

**CALIFORNIA COASTAL COMMISSION**

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June 22, 2006

**Fri 13b**

**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 3-05B (Shopping Center Zone) 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 involves three separate components and will affect both the land use and implementation plan portions of the certified Carlsbad LCP. LCPA #3-05 B (Shopping Center Zone) is addressed in this report and, and A (Density Calculation) is addressed in a separate staff report for the July 2006 hearing. Carlsbad LCPA #3-05 C (C-T Zone) will be scheduled at a later date.

The subject LCP amendment affects the certified LCP Land Use Plan and Implementation Plan and the standard of review is consistency of the proposed changes with Chapter 3 policies and 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 #3-05B (Shopping Center Zone) would add the "L" (Local Shopping Center) land use designation to the LCP Land Use Map and create a new C-L zone, the Local Shopping Center Zone. The L designation and C-L zone would be applied to three sites in the coastal zone that contain existing shopping centers. The three existing shopping centers are Plaza Paseo Real at the northwest quadrant of Aviara Pkwy. and El Camino Real; Poinsettia Village at the southwest quadrant of I-5 and Poinsettia Lane.; and an unnamed center at the southeast quadrant of I-5 and Tamarack Ave. The existing shopping center sites are currently designated for General Commercial, Travel Services, and Neighborhood Commercial uses, respectively, and zoned for either Neighborhood Commercial or General Commercial uses. Interstate 5, Poinsettia Blvd., Tamarack Ave. and El Camino Real are all major coastal access routes. The new C-L zone would require a site development plan and includes development standards and permitted uses for all new centers or major remodels.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the LCP amendment as submitted. The most significant issue raised by the proposal is the conversion of the Ralphs shopping center site located at the southwest quadrant of I-5 and Poinsettia Lane from Travel Services (TS) land use designation to Local Shopping Center (L). The applicable Land Use Plan contains a specific policy that addresses the site and states the site should be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance. Chapter 21.26 is for the Neighborhood Commercial Zone. Therefore, the site is not designated or zoned as a high-priority visitor-serving site and has been developed with the types of uses that serve both the visiting public and local residents. Conversion of the property from TS/C-1 to L/C-L would not be in conflict with the visitor-serving and public access policies of Chapter 3 or the certified LCP Land Use Plan. The other sites are currently designated and zoned for either General or Neighborhood Commercial uses and the Local Shopping Center designation and zone is consistent with current uses and the Coastal Act.

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 8.

**BACKGROUND**

The shopping center site located at the southwest quadrant of Poinsettia Lane and I-5 is in the Mello I Land Use Plan segment; however, there are policies in the Mello II LCP Land Use Plan that address this site. The other two sites are located within the Mello II Land Use Plan segment.

**ADDITIONAL INFORMATION**

Further information on the Carlsbad LCP Amendment No. 3-05B 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. The subject amendment request affects the Mello I and Mello II LCP Land Use Plan segment.

**B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms with Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

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.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

**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 certify the Land Use Plan Amendment for the City of Carlsbad certified LCP as submitted.*

**STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment for the *City of Carlsbad certified LCP* as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with 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 plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

- II. 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 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 will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program 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 Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The proposed LCP Amendment #3-05B (Shopping Center Zone) would add the “L” (Local Shopping Center) land use designation to the LCP Land Use Map and create a new C-L zone, the Local Shopping Center Zone. The L designation and C-L zone would be applied to three sites in the coastal zone that contain existing shopping centers (Ref. Exhibit 1, pg. 16-21 indicating Sites #3, 5 and 6 in coastal zone of 11 total). The new C-L zone would require a site development plan and includes development standards and permitted uses for all new shopping centers or major remodels.

**B. CONFORMITY OF THE LAND USE PLAN WITH CHAPTER 3**

**1. Visitor-Serving Uses/ LCP History.**

Coastal Act Section 30213 and 30222 are applicable to the proposed LCP amendment and state:

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The properties which are the subject of this amendment request are three separate sites within the Carlsbad coastal zone that contain existing shopping centers. The first site, Plaza Paseo Real is a Vons center located at the northwest quadrant of El Camino Real and Aviara Pkwy. El Camino Real is a major coastal access route and the eastern coastal zone boundary in this location. Nearby recreational uses include the public trails and visitor center associated with Batiquitos Lagoon, and the Aviara Golf Course and Resort. The site is not in a location that requires high-priority visitor-serving uses to meet the requirements of the public access and recreation policies of the Coastal Act.

The second site is Poinsettia Village, the Ralphs center located at the southwest quadrant of I-5 and Poinsettia Lane. Both I-5 and Poinsettia Lane are major coastal access routes serving interregional traffic. Nearby recreational uses include South Carlsbad State Beach and Campground, and Batiquitos Lagoon. There is a public trail system, including sidewalks and nature trails, proposed to serve both visitors and residents which will link lagoon trails, the Coast Rail Trail, the street system and the beach in this area. The surrounding area is still developing under both the Mello II and the West Batiquitos LCP Land Use Plans. Areas are reserved for visitor-serving accommodations in both plan segments, and four hotels exist north of the site across Poinsettia Lane. The Poinsettia Transit Station is also located north of the site and within walking distance for the avid walker. The street system in this area connects large blocks and handles significant traffic such that pedestrian-orientation will only be achieved if the trail systems are developed and utilized by the locals and public.

The Poinsettia Village shopping center is well-established and contains a mix of neighborhood and visitor-serving uses. Most of the neighborhood uses would also be convenient to visitors, particularly to nearby campers. There is a history regarding the land use of this site which supports allowing the designation to be changed from Travel Services to Local Shopping Center, as follows. The subject site is located within the Mello I LUP segment of the Carlsbad Local Coastal Program, which was adopted and certified by the Coastal Commission in 1980. When the Mello I LUP was originally adopted, the site was part of an area of land called "Occidental Land," which consisted of approximately 143 acres north, south, east and west of Interstate 5 and Poinsettia Lane.

When the Mello I LUP was originally adopted, the "Occidental Land" properties were designated for "Planned Development" in a "Planned Agriculture" zone. Residential and commercial uses were permitted in the Planned Agriculture zone with the approval of a Planned Agriculture permit. Under such a permit, the properties on the south side of Poinsettia Lane, east and west of I-5 were allowed to develop as follows:

*"Commercial uses may be allowed on the two parcels south of Poinsettia Lane and adjacent to I-5 on both sides of the freeway provided that 35% of the land area is devoted to exclusively tourist commercial uses."*

In addition to the 35% tourist commercial requirement placed on these properties when the Mello I LUP was originally adopted, the Mello I LUP limited the development of the other “Occidental Land” properties to either residential or agriculture. Most notably, the parcels west of I-5, north of Poinsettia Lane, which are currently developed with hotels, were required to be preserved as “agricultural cropland” as follows:

*“The two parcels north of Poinsettia Lane on either side of I-5 and the portion of the easternmost parcel that contains any soils of Class I through IV under the Land Use Capability Classification shall be permanently protected as agricultural cropland exclusively, through recordation of an agricultural conservation easement that allows only agricultural uses.”*

Thus, when the 35% “tourist commercial” requirement on the properties south of Poinsettia Lane was adopted, the land north of Poinsettia Lane and west of I-5 was not anticipated to develop with “tourist commercial” uses. However, there are currently four hotels and one restaurant located north of Poinsettia Lane on the west side of I-5. This hotel/ restaurant development (visitor-serving commercial) was made possible when the Coastal Commission adopted the Mello II LUP segment in 1981, which included provisions for the development of “developable agricultural lands” subject to an agricultural subsidy program. The agriculture subsidy program applied to the “Occidental Land” properties.

The original Mello II LUP stated that if the Occidental Land property owners elected to pay an “agricultural development fee”, the Occidental properties could develop as follows:

- a. The area east of I-5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 12 dwelling units per acre.*
- b. The area of approximately 28 acres located south of Poinsettia Lane and immediately adjacent to I-5 on both sides of the Freeway shall be designated for visitor-serving or neighborhood commercial development according to Ch. 21.26 of Carlsbad Zoning Ordinances.*
- c. The remaining area west of I-5 and north of Poinsettia Lane shall be designated for visitor serving or neighborhood commercial development according to Ch. 21.26 of Carlsbad Zoning Ordinances, provided that a minimum of 35% of gross acres is developed as visitor-serving uses.*

The “Occidental Lands” property owners elected to pay the “agricultural development fee.” The Mello II LUP was adopted after the Mello I LUP , however, the Mello I LUP was not also amended at that time.

The two significant changes to the development requirements for the Occidental properties established with the Mello II LUP, are as follows:

1. The 35% “tourist commercial” requirement was removed from the land south of Poinsettia Lane on both sides of I-5. The development requirement was changed to specify that the area was designated for either visitor-serving or neighborhood commercial development according to Ch. 21.26 of Carlsbad Zoning Ordinances.”
2. Visitor-serving or neighborhood commercial development was allowed on the area west of I-5 and north of Poinsettia Lane, and a minimum of 35% of the area was required to be developed as “visitor-serving uses.”

Thus, the 35% “tourist commercial” requirement was removed from the south side of Poinsettia Lane to the north side west of I-5. Pursuant to the LUP policy and current zoning, the southern properties could develop entirely with Neighborhood Commercial uses.

The area north of Poinsettia Lane and west of I-5 has developed in accordance with the LUP requirement (50% has been developed with visitor-serving uses). The need for “tourist commercial” uses identified in the originally adopted Mello I LUP has been met with the 11 acres of hotel development on the north side of Poinsettia Lane west of I-5. In addition, the commercial development at Poinsettia Village includes approximately 3.5 acres of existing/future restaurant development and a service station which are also visitor-serving uses. Therefore, through past Commission action, this shopping center site has not been reserved as a site for high-priority, visitor-serving uses. Conversion of this site to the Local Shopping Center designation would not be in conflict with the public access and recreation policies of the Coastal Act.

The third site, an un-named Vons center is located at the northwest quadrant of I-5 and Tamarack Ave. Both I-5 and Tamarack are major coastal access routes in this location. Nearby recreational uses include Carlsbad State Beach, and the commercial recreational and visitor-serving uses in the Carlsbad Village Core to the north. The site is currently designated and zoned for Neighborhood Commercial uses which are provided in this predominantly residential area. Visitor commercial sites exist to the north of Tamarack Drive and to the west, at Carlsbad Blvd., and further north at Carlsbad Village Drive and the Village Redevelopment Area. This site is not designated for Travel Recreation, Travel Services or the C-T Zone in the certified LCP, as adequate area has been reserved for such uses in the nearby vicinity; therefore, conversion of the Neighborhood Commercial site to Local Shopping Center does not result in conflicts with Chapter 3 policies of the Coastal Act.

**PART IV. FINDINGS FOR APPROVAL OF THE CARLSBAD  
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**



## **1. Q Overlay Zone Revisions**

The City is proposing to modify the Q Overlay Zone to add to its purpose and intent and make references to the proposed C-L zone and a process for review and approval of Site Development Plans as called for in other provisions of the Code. In addition, the zone would be modified to add a finding for local shopping centers located in the C-L zone that references the findings required in the new Local Shopping Center Zone (proposed Chapter 21.31). Also, the proposed changes would add architecture, color, texture, materials and adornments as areas where the site development permit process would allow application of development standards that are stricter than the underlying zone. Finally, the proposed amendment would add a section establishing the process to amend a site development plan, and referring to the proposed C-L zone for site development plans for a local shopping center.

## **2. C-L Local Shopping Center Zone**

The proposed LCP Amendment would create a new C-L zone, the Local Shopping Center Zone. The C-L zone would be applied to three sites in the coastal zone that contain existing shopping centers. The new C-L zone would require a site development plan and includes development standards and permitted uses for all new shopping centers or major remodels. The rezones would be from existing General (C-2), Neighborhood (C-1) Commercial, or Residential (R-P-Q on portion of Plaza Paseo Real) to Local Shopping Center (C-L). A minor change is also proposed to Chapter 21.83 (Child Care) to acknowledge child day care centers are a permitted use in the C-L Zone subject to a site development permit, as shown on Table A of the C-L Zone.

## **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 Intent of the Ordinance.**

**Q Overlay Zone** - The intent and purpose of the Q Overlay Zone is to supplement the underlying zoning by providing additional regulations within designated areas to address, among other things, compatibility with surrounding development, environmental constraints, and, with the proposed revision, the process for review and approval of site development plans.

**C-L Shopping Center Zone** – The intent and purpose of the C-L Local Shopping Center zone is to implement the L land use designation of the certified LCP. This section also describes how the zone implements key provisions of the L designation by describing the function of local shopping centers in providing locally needed goods and services. It clarifies how other types of goods and services may be developed at a C-L site, provided that these other uses supplement, rather than replace the local goods and services. The

section distinguishes the function of a local shopping center from general or regional commercial uses.

## **2. Major Provisions of the Ordinance.**

The proposed revisions to the Q Qualified Overlay Zone are meant to create a process for the review and approval of site development plans in this section of the Zoning Code. The City's intent is to have development and major redevelopment of local shopping centers governed by a special permit that would have the Council as the decision-maker. The site development permit is an existing permit and process with the decision normally made by the Planning Commission. The proposal makes adjustments to the existing Q Overlay Zone to establish the site development permit process in association with the C-L Zone. Nothing in this section would change the fact that, in the coastal zone, a coastal development permit would also be required to incorporate the policies and provisions of the certified LCP into any new shopping center or major redevelopment of an existing shopping center.

The proposed C-L Zone includes a Table A which lists all permitted, conditionally permitted, and accessory uses to be allowed in the C-L Zone (See Exhibit 2, pg. 4-6). The table utilizes general categories for some types of land uses instead of listing every type of possible use. All uses allowed by conditional use permit are included in the table. The City indicates the list of uses is loosely based on uses allowed in the old C-1 (Neighborhood Commercial) and C-2 (General Commercial) Zones, with some deletions (es: hotels and motels) and some uses specific to shopping centers added.

As stated, pursuant to the C-L Zone, the approval process for new development of a shopping center is the site development permit. The ordinance also establishes a minor and major amendment process depending on the scope of the change. Once a center is built, subsequent amendments to other permits will be processed as otherwise provided by the Zoning Code. The ordinance requires a finding be made that the site, by itself or in conjunction with an adjoining center, will function as a local shopping center to provide the full range of goods and services needed by the neighborhood trade area.

The ordinance also establishes a list of special requirements that must be addressed in the site development plan as components of the shopping center, including employee eating areas, food courts, restaurants and outdoor seating areas, temporary outdoor display, kiosks and vending carts, special events, signs, recycling facilities, shopping carts and storage, bicycle parking and access points to the site for pedestrians and internal pedestrian circulation.

In addition, the ordinance contains some specific development standards for property size, building height, yards, landscaping, lighting, etc.. The parking standards are not changed by this ordinance but reference those included in Chapter 21.44 of the Zoning Ordinance. The C-L Zone also contains the ability to impose special conditions or requirements that address other elements, such as, intensity of use, compatibility with surrounding properties, architecture, points of ingress or egress, including points of use by

pedestrians and bicyclists, and such other conditions as deemed necessary to ensure conformity with other adopted policies, goals or objectives of the City, including the purpose and intent of the C-L Zone.

### **3. Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The purpose of the proposed LCP amendment is to establish a new zone to implement the new Local Shopping Center (L) land use designation. The new zone establishes allowable land uses, development standards and design guidelines to assure the objectives of the zone are implemented. In addition, a new permit process is established that will apply to all new shopping centers and major remodels of existing shopping centers, with the City Council as decision-maker. The ordinance establishes a discretionary review process over shopping centers within the specific zone that doesn't currently exist; however, no changes will result to the coastal development permit requirements in the coastal zone.

All development within the coastal zone, including development in the proposed C-L Zone, would be required to obtain a coastal development permit as specified in Chapter 21.201 of the Zoning Ordinance (Coastal Development Permits and Procedures). In terms of tenant improvements or a change of use within an existing shopping center, Section 21.201.060 specifies that improvements to existing commercial structures are exempt from the requirement to obtain a coastal development permit, except as follows:

- Any improvement that changes the intensity of use of a structure;
- Any improvement that would increase the floor area a 10% or more if the structure is located between the sea and the first public road, or within 300 ft. of the inland extent of the beach or MHT line of the seas, whichever is greater;
- A conversion of an existing visitor serving commercial use to a use involving a fee ownership or long-term leasehold (e.g. condominium or motel/hotel timeshare conversion)

As stated, the proposed C-L zone does not change the requirements of Section 21.201. A change of intensity use, such as conversion of an existing retail to restaurant use with a high parking standard, would trigger the coastal development permit requirement. In addition, substantial redevelopment, involving demolition and new construction, would not be considered an improvement to an existing structure, but would be development in and of itself and require a coastal development permit.

Regarding standard of review, the proposed ordinance establishes the means for the City to consider a variety of different elements within the site plan and design of a commercial shopping center that will also be considered in the context of the LCP policies. In particular, the requirement to consider bicycle parking/access and pedestrian circulation within the center, but also to and from surrounding areas is particularly important in this developing area. The Coastal Act requires that the location and amount of new development be sited and designed to maintain public access to the coast. Specific means to achieve this goal include providing non-automobile circulation within the development and providing adequate parking facilities or a substitute means of serving

the development with public transportation. Due to the increase in demand for these transportation corridors for both local and interregional traffic, redevelopment proposals should include provisions that rely less on the automobile and emphasize non-automobile circulation including pedestrian routes and transit opportunities, in addition to meeting parking requirements. The proposed discretionary review would give the City the ability to assure this issue is addressed in any major redevelopment of the Poinsettia Village shopping center, in particular.

As submitted, the proposed C-L Zone and application of the zone to three existing shopping centers in the coastal zone does not raise any conflicts with Coastal Act. The proposed implementation plan amendment is adequate to carry out the certified Land Use Plan segments of the Carlsbad 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.

ORDINANCE NO. NS-765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADDING NEW CHAPTER 21.31 (C-L LOCAL SHOPPING CENTER ZONE) AND, AMENDING CHAPTERS 21.06 (Q QUALIFIED DEVELOPMENT OVERLAY ZONE), 21.83 (CHILD CARE), 21.05 (ZONE ESTABLISHMENT), AND THE SUMMARY OF TITLE 21 OF THE CARLSBAD MUNICIPAL CODE.

CASE NAME: LOCAL SHOPPING CENTER ZONE AND REZONINGS  
CASE NO.: ZCA 00-07

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

SECTION 1: That Title 21, Chapter 21.06 (Q Qualified Development Overlay Zone) of the Carlsbad Municipal Code is amended by the amendments to Sections 21.06.010, 21.06.020, and 21.06.090 each to read as follows:

"21.06.010 Intent and purpose.

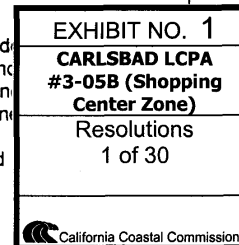
The intent and purpose of the Q qualified development overlay zone is to supplement the underlying zoning by providing additional regulations for development within designated areas to:

- (1) Require that property development criteria are used to insure compliance with the general plan and any applicable specific plans;
- (2) Provide that development will be compatible with surrounding developments, both existing and proposed;
- (3) Insure that development occurs with due regard to environmental factors;
- (4) Allow a property to be granted a particular zone where some or all of the permitted uses would be appropriate to the area only in certain cases with the addition of specific conditions;
- (5) Provide for public improvements necessitated by the development;
- (6) Promote orderly, attractive and harmonious development, and promote the general welfare by preventing the establishment of uses or erection of structures which are not properly related to or which would adversely impact their sites, surroundings, traffic circulation or environmental setting.
- (7) Provide a process for the review and approval of Site Development Plans as called for by this Chapter or other provisions of this Code."

"21.06.020 Permitted uses and findings.

(a) Subject to the provisions of subsection (b), in the Q qualified development overlay zone, any principal use, accessory use, transitional use or conditional use permitted in the underlying zone is permitted subject to the same conditional use restrictions applicable in such underlying zone and to all of the requirements of this chapter.

(b) Notwithstanding subsection (a) no use shall be permitted without the approval of the planning commission, or the City Council on appeal, finds:



- 1 (1) That the requested use is properly related to the site, surroundings
- 2 and environmental settings, is consistent with the various elements and objectives of the
- 3 general plan, will not be detrimental to existing uses or to uses specifically permitted in
- 4 the area in which the proposed use is to be located, and will not adversely impact the
- 5 site, surroundings or traffic circulation;
- 6 (2) That the site for the intended use is adequate in size and shape to
- 7 accommodate the use;
- 8 (3) That all of the yards, setbacks, walls, fences, landscaping, and
- 9 other features necessary to adjust the requested use to existing or permitted future uses
- 10 in the neighborhood will be provided and maintained;
- 11 (4) That the street system serving the proposed use is adequate to
- 12 properly handle all traffic generated by the proposed use and;
- 13 (5) For local shopping centers located in the C-L Local Shopping
- 14 Center Zone, such additional findings as are set out in Chapter 21.31, Section
- 15 21.31.040.D for new or major amendments to site development plans approved by the
- 16 city council."

17 "21.06.090 Development standards.

18 Property in the Q zone shall be subject to the development standards required in

19 the underlying zone and any applicable specific plans, except for affordable housing

20 projects as expressly modified by the site development plan. The site development plan

21 for affordable housing projects may allow less restrictive development standards than

22 specified in the underlying zone or elsewhere provided that the project is in conformity

23 with the general plan and adopted policies and goals of the city, it would have no

24 detrimental effect on public health, safety and welfare, and, in the coastal zone, any

25 project processed Subject to this chapter shall be consistent with all certified local

26 coastal program provisions, with the exception of density. In addition, the planning

27 commission or the City Council in approving a site development plan may impose special

28 conditions or requirements which are more restrictive than the development standards in

the underlying zone or elsewhere that include provisions for, but are not limited to the

following:

- 17 (1) Special setbacks, yards, active or passive open space, required as part of
- 18 the entitlement process;
- 19 (2) Special height and bulk of building regulations;
- 20 (3) Fences and walls;
- 21 (4) Regulation of signs;
- 22 (5) Additional landscaping;
- 23 (6) Special grading restrictions;
- 24 (7) Requiring street dedication and improvements (or posting of bonds);
- 25 (8) Requiring public improvements either on or off the subject site that are
- 26 needed to service the proposed development;
- 27 (9) Time period within which the project or any phases of the project shall be
- 28 completed;
- (10) Regulation of point of ingress and egress;
- (11) Architecture, color, texture, materials and adornments
- (12) Such other conditions as deemed necessary to insure conformity with the
- general plan and other adopted policies, goals or objectives of the city."

1 SECTION 2: That Title 21, Chapter 21.06 (Q Qualified Development Overlay  
2 zone) of the Carlsbad Municipal Code is amended by the addition of Section 21.06.170, to read  
3 as follows:

4 "21.06.170 Amendments to site development plans.

5 Amendments to a site development plan may be initiated by the property owner  
6 or an authorized agent. An application for amendment of an existing site development  
7 plan shall be processed, heard, and determined in the same manner as an application  
8 for a new site development plan, except as provided in Section 21.31.050 for a site  
9 development plan for a local shopping center. When necessary, the amendment shall be  
10 accompanied by an amendment to any related permit or map that is affected by the  
11 amendment."

12 SECTION 3. That Title 21 of the Carlsbad Municipal Code is amended by the  
13 addition of new Chapter 21.31, C-L Local Shopping Center Zone, to read as follows:

14 "Chapter 21.31  
15 C-L Local Shopping Center Zone

16 Section:

- 17 21.31.010 Intent and purpose
- 18 21.31.020 Definition
- 19 21.31.030 Permitted uses
- 20 21.31.040 Approval process for new local shopping centers
- 21 21.31.050 Redeveloping, remodeling, and expanding existing shopping centers
- 22 21.31.055 Projects in process
- 23 21.31.060 Special requirements to be addressed in a SDP
- 24 21.31.070 Limitations on permitted uses in C-L zone
- 25 21.31.080 Development standards
- 26 21.31.090 Severability.

27 21.31.010 Intent and purpose

The intent and purpose of the C-L Local Shopping Center zone is to:

- 28 A. Implement the Local Shopping Center (L) land use designation of the  
Carlsbad General Plan;
- B. Assure that any site zoned C-L will be developed so as to provide a range  
of goods and services to meet the daily necessities and convenience of the residents of  
the neighborhoods in which the site is located.
- C. Assure that local shopping centers are developed consistent with adopted  
specific plans, master plans, and local facilities management plans;
- D. Assure that local shopping centers will be compatible with surrounding  
development and the local neighborhoods in which they are located;
- E. Provide opportunities for local shopping centers to supplement their  
principal function of providing local neighborhoods with daily goods and services through  
the inclusion of community-serving uses, residential uses, general offices, medical  
offices, public and semi-public facilities, and entertainment uses when such other uses

1 are found by the city to be desirable and can be integrated into the form and function of  
the local shopping center; and

2 F. Create a permit process through which proposals for new, expanded or  
redeveloped local shopping centers will be reviewed to assure that shopping centers:  
3 comply with the intents and purposes stated herein; include superior and creative design  
and architecture; and conform with the city's objectives for the community's environment,  
4 health, safety, and welfare.

5 21.31.020 Definition: local shopping center.

6 "Local shopping center" means a group of architecturally unified commercial  
establishments providing primarily neighborhood-serving goods and services, numbering at  
7 least three such establishments, built upon a site that is planned, developed, owned and  
managed as an operating unit related in its location, size, and type of shops to the trade area  
8 that it serves and with on-site parking in definite relationship to the types and total size of the  
stores. A local shopping center provides daily necessities and convenience goods and  
9 services needed by the neighborhood in which it is located. Therefore, it normally will have as  
major anchor tenants a grocery store and/or drug store or such combination of other  
10 establishments that function to provide equivalent goods and services, plus other, secondary  
tenants. Other uses and tenants may supplement, but not replace the local-serving nature of  
11 the center.

12 21.31.030 Permitted uses.

13 A. Notwithstanding any other provision of this Title, only the uses listed in Table A,  
below, shall be permitted, subject to the requirements and development standards specified by  
this chapter.

14 B. The uses permitted by conditional use permit, as indicated in Table A shall be  
subject to the provisions of Chapters 21.42 (Conditional Uses) and 21.50 (Variances -  
Conditional Use Permits).

15 C. A use similar to those listed in Table A may be permitted if the Planning Director  
determines such similar use falls within the intent and purposes of this zone, and is  
16 substantially similar to the specified permitted uses.


17 D. A use category may be general in nature, where more than one particular use  
fits into the general category (ex: in some commercial zones "offices" is a general use category  
18 that applies to various office uses). However, if a particular use is permitted by conditional use  
permit in another zone, the use shall not be permitted in this C-L zone (even under a general  
19 use category) unless it is specifically listed in Table A of this Chapter as permitted or  
conditionally permitted.

20 **TABLE A**  
**USES PERMITTED IN THE C-L Zone**

21 In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- 22 • "P" indicates the use is permitted.
- 23 • "CUP" indicates that the use is permitted with approval of a conditional use permit.
- "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	ACC
24 Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex: incidental storage facilities (see Note 1, below) (defined: Sec. 21.04.020)			X
25 Adult and/or senior daycare and/or recreation facility (private or non-profit)		X	
Agricultural farm worker housing (temporary) (Subject to 21.42.010(2)(M))		X	
26 All uses permitted in Chapter 21.25 (CF- Community Facilities Zone)		X	
Alcoholic treatment center		X	
27 Arcades - coin operated (Subject to Section 21.42.010(5)(U)) (defined: Sec. 21.04.091)		X	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X		

Ex. 1 



**TABLE A  
USES PERMITTED IN THE C-L Zone**

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
- "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	ACC
Bars, cocktail lounges (defined: Sec.21.04.041)		X	
Biological habitat preserve (Subject to Section 21.42.010(15)(A)) (defined: Sec 21.04.048)		X	
Bowling alley (Subject to Section 21.42.010(5)(T)) (defined: Sec. 21.04.057)		X	
Car wash (Subject to Section 21.26.015(5))		X	
Child day care centers (Subject to Chapter 21.83 of this Title) (defined: Sec. 21.04.086)	X		
Clubs - non-profit; business, civic, professional, etc. (defined: Sec. 21.04.090)		X	
Delicatessen	X		
Drive-through facilities (not restaurant)		X	
Educational facilities, other (business, vocational, tutoring, and for such subjects as dance, drama, cosmetology, language, music, martial arts, etc.) (see Note 5, below)	X		
Gas stations (Subject to section 21.42.010(7))		X	
Government and quasi-governmental offices and facilities		X	
Kiosks, vending carts, and push carts (see Note 1, below)			X
Liquor store (Subject to Sec 21.26.015(3)) (defined: Sec 21.04.203)		X	
Manufacturing/fabrication of goods (ancillary) (Subject to Section 21.31.070) (see Note 1, below)			X
Medical uses (excluding hospitals), including offices for medical and other health practitioners, clinics, incidental laboratories, and pharmacies (prescription only)	X		
Mobile Buildings (Subject to Section 21.42.010(2)(N)) (defined Section 21.04.265)		X	
News/magazine stands (see Note 1, below)			X
Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound.		X	
Office uses, that provide services directly to consumers, including, but not limited to, banking, financial, insurance, and real estate services. (See Note 2, below)	X		
Outdoor dining (incidental) (Subject to Section 21.26.013)			X
Outdoor sales of goods (temporary/seasonal, including but not limited to Christmas trees, pumpkins, and similar products) (see Note 1, below)			X
Packing/sorting sheds > 600 sq. ft. and greenhouses > 2,000 sq. ft. (Subject to Sec. 21.42.010(2)(F))		X	
Pet shops/pet supplies	X		
Plant nurseries, nursery supply (retail)		X	
Pool halls, billiard parlors (Subject to Section 21.42.010(5)(X)) (defined: Sec. 21.04.292)		X	
Public meeting halls, exhibit halls, and museums		X	
Public/quasi-public accessory utility buildings and facilities (see Note 3, below)		X	
Radio/television/microwave/broadcast station/tower		X	
Recycling collection facilities (Subject to Chapter 21.105 of this Title. See also Section 21.31.080(O) of this Chapter) (defined: Sec. 21.105.015)		X	
Recycling, reverse vending machine (Subject to Chapter 21.105 of this Title. See also Section 21.31.080(O) of this Chapter) (defined: Section 21.105.025) (see Note 1, below)			X
Residential uses located above the ground floor of a multi-story, commercial building		X	
Restaurants, cafés, and other retail food and beverage-serving uses including take-out only service (no drive-through)	X		
Retail uses that provide goods sold directly to consumers, and focusing primarily on the needs of the local neighborhood. (see Note 4, below)	X		
Satellite television antennas (Subject to Sections 21.53.130 through 21.53.150)	X		
Services, provided directly to consumers, and focusing primarily on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services.	X		
Signs (Subject to Chapter 21.41 of this Title)			X
Temporary building/trailer (construction) (Subject to Section 21.53.110)	X		
Theaters (motion picture or live) - indoor		X	
Theaters, stages, amphitheaters - outdoors		X	
Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		X	
Wireless communications facilities and antennas (defined: Sec. 21.04.379)		X	

Notes:

1. Accessory buildings and structures and ancillary uses shall be developed and operated as an integral part of a permitted use within or on the same structure or parcel of land.
2. Offices: The total floor area of office uses shall not exceed 40% of the gross leasable floor area within any local shopping center.
3. Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or neighboring telephone exchanges, with the necessary accessory equipment incidental thereto. A CUP shall not be required for those utility buildings/facilities that are built, operated, or maintained by a public utility to the extent that they are regulated by the California Public Utilities Commission.
4. Retail sales may also include those types of goods and services that are typically offered by "community" retail establishments, when "community" retail establishments are included in the local shopping center, subject to the definition of a local shopping center, Section 21.31.020, and the function of the Local Shopping Center land use class as described in the Carlsbad General Plan.
5. Educational facilities/schools. No individual school shall occupy more than 10,000 sq. ft. of gross leasable floor area within any local shopping center.

21.31.040 Approval process for new local shopping centers

A. A site development plan shall be required for the development of a new local shopping center. The site development plan shall be processed subject to Chapter 21.06 (Q Qualified Development Overlay Zone) of this title, as modified by this Section.

B. Role of Planning Commission. The Planning Commission is authorized to review at a noticed, public hearing, subject to Chapter 21.54, a proposed site development plan and any other permits or entitlements being processed concurrently therewith, and to make a recommendation to the City Council to approve, conditionally approve, or deny the site development plan or plan amendment, and any concurrently-processed permits or entitlements. The recommendations of the Planning Commission shall be forwarded to the City Council forthwith.

C. Decision maker.

The City Council shall be the decision-maker for a site development plan required by this chapter. The City Council shall also be the decision-maker for all other permits and entitlements associated with a local shopping center, when such permits and entitlements are processed concurrently with the site development plan. Once a site development plan has been approved by the City Council, however, any subsequent permits or entitlements shall be processed and approved as elsewhere established by this Title. The City Council, following a public hearing, noticed subject to Chapter 21.54, shall approve, conditionally approve, or deny the requested approvals. The decision of the City Council shall be final.

D. Mandatory findings of fact.

In addition to the findings set out in Section 21.06.020(b) (Q Qualified Development Overlay Zone - findings), no site development plan for a local shopping center shall be approved unless the City Council finds that the site, either by itself or in combination with another, adjoining center, will provide the normal range of goods and services to meet the everyday needs of the local neighborhood, in keeping with the intent and purpose of both this zone and the local shopping center general plan designation. For the purpose of this section, "adjoining center" means that the second shopping center either abuts the subject center or is located on property immediately across a common street.

21.31.050 Redeveloping, remodeling, and expanding existing shopping centers

A. A proposal to redevelop, remodel or expand an existing local shopping center shall be processed through a site development plan. Where a site development plan does not exist for an existing center, a site development plan shall first be obtained pursuant to Section 21.31.040. Where a site development plan exists, the proposal shall be processed through an amendment to the site development plan as provided by this section.

B. Major amendment. Any proposal for a major remodeling or redevelopment of an existing shopping center shall first obtain a major amendment to the site development plan,

1 which amendment shall be processed according to Section 21.31.040 with the City Council as  
2 the decision maker. Any change of a site that constitutes a major remodeling or  
3 redevelopment will typically result in removal and/or replacement of 50% or more of the  
4 existing building floor area of the center or a combination of changes to floor area, landscaping,  
parking, facades, or other site features that constitutes a major reconfiguration or redesign of  
the site. Where this threshold is unclear, the Planning Director shall determine whether the  
proposal will require a major amendment to the site development plan.

5 C. Minor amendment. Any proposal for remodeling, redeveloping, or expanding an  
6 existing local shopping center, which does not require a major amendment as established by  
7 paragraph B, and which is not excepted by paragraph D shall first obtain a minor amendment  
to the site development plan. A minor site development plan amendment shall be heard and  
approved by the Planning Commission pursuant to the process and findings contained in  
Chapter 21.06 (Q. Qualified Development Overlay Zone).

8 D. Exceptions.

9 The following are excepted from the need to obtain an amendment to an existing site  
development plan or for a new site development plan for an existing center that does not have  
one:

- 10 1. Tenant improvements.
- 11 2. Any one addition of new floor area with a cumulative total of less than  
1,000 square feet.
- 12 3. Any non-floor-area changes to the site design that collectively result in  
less than a ten percent change to the site, as determined by the Planning Director.

13 21.31.055 Projects in process.

14 Any application for a site development plan or an amendment to a site development plan,  
15 which application was deemed complete prior to the effective date of the ordinance that  
created this chapter, shall not be subject to the provisions of this chapter, but shall be  
processed and approved or disapproved pursuant to the ordinance superseded by the  
ordinance codified in this chapter.

16 21.31.060. Special requirements to be addressed in the site development plan.

17 A site development plan for a local shopping center shall show how each of the following, if  
applicable, will be developed.

18 A. Employee eating and outdoor eating areas.

- 19 1. Required eating areas for employees (subject to Section 21.31.080(L));
- 20 2. Food courts or outdoor seating areas, operated in common with or  
available to the patrons of more than one restaurant, if any;
- 21 3. Restaurants with eating areas located outdoors or within common areas  
otherwise designated for pedestrian or other traffic, if any;

22 B. Areas for temporary outdoor display and sales of seasonal items (pumpkins,  
Christmas trees, etc.)

23 C. Areas designated for outdoor cooking or barbequing, if any;

24 D. Kiosks and vending carts, if any;

25 E. Signs;

26 F. Recycling facilities;

27 G. Special events area or public gathering area, if any;

28 H. Bicycle parking;

I. Shopping cart collection and storage areas; and

J. Access points to the site for pedestrians and internal pedestrian circulation.

21.31.070. Limitations on permitted uses in C-L zone.

Every use permitted shall be subject to the following conditions and limitations:

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A. Conduct uses in buildings.

All uses shall be conducted wholly within a building, except such uses as gasoline stations, nurseries for sale of plants and flowers, uses set out in Section 21.31.060, and other enterprises customarily conducted in the open or otherwise as identified and permitted in a site development plan. The Planning Director is authorized to make any necessary interpretations of this subsection;

B. On-site manufacture of goods.

Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing of products permitted herein;

C. Storage shall be limited to:

1. Accessory storage of commodities to be sold at retail on the premises;
2. Materials to be recycled.

21.31.080 Development standards.

A. Exercise of site development plan.

The City Council in approving or amending, or the Planning Commission in amending, a site development plan may impose special conditions or requirements that include provisions for, but are not limited to the following:

1. Intensity of use;
2. Compatibility with surrounding properties and land uses;
3. Parking standards;
4. Yards;
5. Height and bulk of buildings;
6. Fences and walls;
7. Signs;
8. Landscaping;
9. Grading, slopes, and drainage;
10. Time period within which the project or any phases of the projects shall be completed;
11. Points of ingress or egress, including points used by pedestrians and bicyclists;
12. Architecture, including colors, textures, materials, and adornments;
13. Such other conditions as are deemed necessary to ensure conformity with the general plan and other adopted policies, goals or objectives of the city, including the purpose and intents of this Chapter.

B. Property size.

No site shall be included in the local shopping center zone unless all constituent properties are contiguous, planned as an integrated whole, and aggregate to a minimum of four (4.0) net acres, if already developed with retail uses, or seven (7.0) gross acres, if undeveloped or developed with uses other than retail.

C. Building height.

1. No building in the C-L zone shall exceed a height of thirty-five (35) feet or three levels and allowed height protrusions as described in Section 21.46.020 shall not exceed forty-five (45) feet. Additional building height may be permitted to a maximum of forty-five (45) feet through the site development plan approved by the City Council, provided that:

- a. The building does not contain more than three levels; and
- b. All required yards shall be increased at a ratio of one (1) horizontal foot for every one (1) foot of vertical construction beyond thirty-five (35) feet. The additional yard area will be maintained as landscaped open space; and
- c. The building conforms to the requirements of Section 18.04.170

of this code; and

Ex. 1 8

d. As described in Section 21.46.020, architectural features such as flagpoles, steeples, or architectural towers, may be permitted up to fifty-five (55) feet if the City Council makes the specific findings that the protruding architectural features:

- i. Do not function to provide usable floor area; and
- ii. Do not adversely impact adjacent properties; and
- iii. Are necessary to ensure a building's design excellence.

D. Yards.

1. The following yards shall apply to the periphery of a local shopping center unless otherwise established through a prior site development plan approval:

TABLE B: YARDS	
SITE PROPERTY LINE IS ADJACENT TO	YARD DEPTH
Primary Arterial Road	20 feet
Secondary Arterial Road	15 feet
Non-Arterial Road	10 feet
Not On A Street Frontage	10 feet

2. Protrusions into yards. The following intrusions only may be permitted within required yards:

- a. Pedestrian walkways,
- b. Landscaping,
- c. Fences or walls,
- d. Approved areas of ingress and egress,
- e. Directional signs and approved monument signs,
- f. Public recreational facilities or outdoor eating areas as authorized in the site development plan,
- g. Architectural projections such as eaves, trellises, sun shades, columns, and buttresses may extend up to three feet into any yard.

E. Landscaping. Landscaping shall be provided pursuant to the City of Carlsbad Landscape Manual and Chapter 21.44 (Parking).

F. Walls and Fences.

1. A solid masonry wall, six feet in height, shall be constructed along the common lot line with any residentially zoned property, except that the wall shall be 42 inches in height along that part of the common lot line that bounds the front yard of the residential property.

2. Other walls and fences up to a height of six feet are permitted except that no wall or fence shall be erected in excess of forty-two inches in height within a yard adjacent to streets. Chain link, barbed wire, razor ribbon or other similar fences are specifically not permitted.

G. Lighting.

Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits. Light sources shall be designed to avoid direct or indirect glare to any off-site properties or public rights-of-way.

H. Roof Appurtenances.

All roof appurtenances, including air conditioners, shall be architecturally integrated and shielded from view and the sound buffered from adjacent properties and streets, to the satisfaction of the Planning Director.

I. Trash enclosures.

Trash receptacle areas shall be enclosed by a six-foot-high masonry wall with gates subject to city standards.

J. Loading areas and docks

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All loading areas shall be oriented and/or screened so as to be unobtrusive from the adjacent streets or properties. Appropriate mitigating measures shall be incorporated to assure that noise from a loading area or dock does not exceed 65 dB CNEL at the shopping center's property line.

K. Parking requirements.

Parking shall be provided subject to the provisions of Chapter 21.44 of this Title.

L. Employee eating areas.

Outdoor eating facilities for employees of the center shall be provided, as follows, except as noted below:

1. A minimum of 300 square feet of outdoor eating facilities shall be provided for each 50,000 square feet of floor area, or portion thereof. Credit towards the required amount of floor area will be given for centers in which two or more restaurants share a common, public eating area in a food court or for other public eating area available to all patrons, comprising at least 600 square feet.

2. The area shall be easily accessible to the employees of the local shopping center.

3. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.

4. The site size, location, landscaping and furniture required above shall be approved as part of the required site development plan, or if no site development plan is required, a plan of the eating area shall be provided to and approved by the Planning Director;

M. Signs.

Signage for sites in the C-L zone that are subject to a site development plan shall be implemented according to a sign program, as established by Section 21.41.060 (Sign Ordinance) of this Title. Signs for sites not subject to a site development plan shall be subject to all other provisions of Chapter 21.41 (Sign Ordinance).

N. Recycling areas.

Where state law requires a recycling area for beverage containers to be located within the center, said recycling area shall be subject to the provisions of Chapter 21.105 of this Title. The location of all recycling areas shall be set out in the site development plan and the parameters of operation shall be called out.

21.31.090 Severability

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

SECTION 4: That Title 21, Chapter 21.83 (Child Care) of the Carlsbad Municipal

Code is amended by the amendment to Section 21.83.040 to read as follows:

"21.83.040 Use chart.

Ex 1 10 E

Zones in which small and large family day care homes and child day care centers are shown on the following use chart. Permitted, administrative, conditional, and prohibited are authorized as follows:

"P" Indicates that the use is permitted in the zone.

"A" Indicates that the use is permitted subject to approval of an administrative permit.

"C" Indicates that the use is permitted subject to approval of a conditional use permit.

"X" Indicates that the use is prohibited in the zone.

Zoning	Small Family Day Care Home (8 or fewer children)	Large Family Day Care Home (14 or fewer children)	Child Day Care Center
RA, RE, EA	P	P(1)	X
R-1	P	P(1)	X
R-2	P	P(1)	X
R-3, RD-M, RP	P	P(1)	A(2)
RT, RW, RMHP	P	P(1)	X
O	X	X	A(2)
HO	X	X	P(3)
C-1, C-2, CL	X	X	P(3)
PM, CM	X	X	C
M, PU, OS, LC, TC, CT	X	X	X
VR, PC	(4)	(4)	(4)

1. Permitted only when the large family day care home is located on a lot occupied by a detached, single-family dwelling on a lot of 7,500 square feet or more by ministerial approval without a public hearing and subject to the provisions of Section 21.83.050 of this chapter.
2. Permitted subject to the provisions of Sections 21.83.070 and 21.83.080 of this chapter.
3. Permitted subject to the provisions of Section 21.83.080 of this chapter and the requirements of any controlling document (e.g., site development plan).
4. Permitted subject to the standards of the controlling document (village redevelopment master plan and design guidelines or designated master plan) and the provisions of Section 21.83.080 of this chapter."

SECTION 5: That Title 21, Chapter 21.05 (ZONE ESTABLISHMENT -

BOUNDRIES), of the Carlsbad Municipal Code is amended by the amendment of

Section 21.05.010, to read as follows:

"21.05.010 Names of zones.

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, thirty-six classes of zones and overlay zones are established by this title to be known as follows:

- C-1—Neighborhood Commercial Zone
- C-2—General Commercial Zone

Ex. 1 11

- 1 C-F—Community Facilities Zone
- 2 C-L—Local Shopping Center Zone
- 3 C-M—Heavy Commercial-Limited Industrial Zone
- 4 C-T—Commercial Tourist Zone
- 5 E-A—Exclusive Agricultural Zone
- 6 L-C—Limited Control Zone
- 7 M—Industrial Zone
- 8 O—Office Zone
- 9 O-S—Open Space Zone
- 10 P-C—Planned Community Zone
- 11 P-M—Planned Industrial Zone
- 12 P-U—Public Utility Zone
- 13 R-1—One-family Residential Zone
- 14 R-2—Two-family Residential Zone
- 15 R-3—Multiple-family Residential Zone
- 16 R-A—Residential Agricultural Zone
- 17 R-E—Residential Estate Zone
- 18 R-P—Residential-Professional Zone
- 19 R-T—Residential Tourist Zone
- 20 R-W—Residential Waterway Zone
- 21 RD-M—Residential Density-Multiple Zone
- 22 RMHP—Residential Mobile Home Park
- 23 T-C—Transportation Corridor Zone
- 24 VR—Village Redevelopment Zone

- 25 BAO—Beach Area Overlay Zone
- 26 Coastal Agriculture Overlay Zone
- 27 Coastal Resource Protection Overlay Zone
- 28 Coastal Shoreline Development Overlay Zone
- 29 Coastal Resource Overlay Zone Mello I LCP Segment
- 30 C/V-SO—Commercial/Visitor-Serving Overlay Zone
- 31 F-P—Floodplain Overlay Zone
- 32 H-O—Hospital Overlay Zone
- 33 Q—Qualified Development Overlay Zone
- 34 S-P—Scenic Preservation Overlay Zone”

SECTION 6: That Title 21, Summary of Zones, is amended by the addition of Chapter

21.31, as follows:

“Title 21

ZONING

Chapters:

- 25 21.02 Purpose
- 26 21.04 Definitions
- 27 21.05 Zone Establishment – Boundaries
- 28 21.06 Q Qualified Development Overlay Zone
- 29 21.07 E-A Exclusive Agricultural Zone
- 30 21.08 R-A Residential Agricultural Zone

Ex. 1 12



1	21.09	R-E Rural Residential Estate Zone
	21.10	R-1 One-Family Residential Zone
2	21.12	R-2 Two-Family Residential Zone
	21.16	R-3 Multiple-Family Residential Zone
3	21.18	R-P Residential Professional Zone
	21.20	R-T Residential Tourist Zone
4	21.21	H-O Hospital Overlay Zone
	21.22.	R-W Residential Waterway Zone
5	21.24	RD-M Residential Density – Multiple Zone
	21.25	C-F Community Facilities Zone
6	21.26	C-1 Neighborhood Commercial Zone
	21.27	O Office Zone
7	21.28	C-2 General Commercial Zone
	21.29	C-T Commercial Tourist Zone
8	21.30	C-M Heavy Commercial – Limited Industrial Zone
	21.31	C-L Local Shopping Center Zone
9	21.32	M Industrial Zone
	21.33.	O-S Open Space Zone
10	21.34	P-M Planned Industrial Zone
	21.35	V-R Village Redevelopment Zone
11	21.36	P-U Public Utility Zone
	21.37	RMHP Residential Mobile Home Park Zone
12	21.38	P-C Planned Community Zone
	21.39	L-C Limited Control Zone
13	21.40	S-P Scenic Preservation Overlay Zone
	21.41	Sign Ordinance
14	21.42	Conditional Uses'
	21.43	Adult Entertainment
15	21.44	Parking
	21.45	Planned Developments
16	21.46	Yards
	21.49	Nonresidential Planned Development
17	21.50	Variances – Conditional Use Permits
	21.51	Administrative Variances
18	21.52	Amendments
	21.53	Uses Generally
19	21.54	Procedures, Hearings, Notices and Fees
	21.55	Dedications of Land and Fee for School Facilities
20	21.56	Interpretation
	21.58	Revocation – Expiration
21	21.60	Permits – License Enforcement
	21.61	Judicial Review of Zoning Decisions and Time Limitation
22	21.62	Violations
	21.70	Development Agreements
23	21.80	Coastal Development Permits
	21.81	Coastal Development Permits – Village Redevelopment Area
24	21.82	Beach Area Overlay (BOA) Zone
	21.83	Child Care
25	21.84	Housing For Senior Citizens
	21.85	Inclusionary Housing
26	21.86	Residential Density Bonus or In-Lieu Incentives
	21.90	Growth Management
27	21.95	Hillside Development Regulations
28		

Ex. 1 13 #

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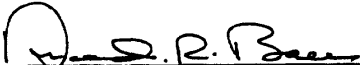
- 21.100 T-C Transportation Corridor
- 21.105 Recycling Facilities and Recycling Areas
- 21.110 Floodplain Management Regulations
- 21.201 Coastal Development Permit Procedures
- 21.202 Coastal Agriculture Overlay Zone
- 21.203 Coastal Resource Protection Overlay Zone
- 21.204 Coastal Shoreline Development Overlay Zone
- 21.205 Coastal Resources Overlay Zone Mello I LCP Segment
- 21.208 Commercial/Visitor Overlay Zone"

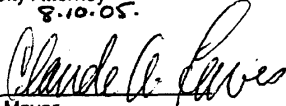
EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a publication of general circulation in the City of Carlsbad within fifteen days after its adoption. *(Notwithstanding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

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 2nd day of AUGUST 2005, and thereafter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 9th day of AUGUST 2005, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose  
 NOES: None  
 ABSENT: None  
 APPROVED AS TO FORM:

  
 RONALD R. BALL, City Attorney  
 8.10.05.

  
 CLAUDE A. LEWIS, Mayor

ATTEST:

  
 LORRAINE M. WOOD, City Clerk  
 (SEAL)



Ex. 1 14

ORDINANCE NO. NS-766

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA CHANGING THE ZONING ON 39 PROPERTIES FROM VARIOUS ZONES TO "C-L" (LOCAL SHOPPING CENTER) ON 7 SITES LOCATED IN VARIOUS LOCATIONS THROUGHOUT THE CITY IN VARIOUS LOCAL FACILITIES MANAGEMENT ZONES

CASE NAME: LOCAL SHOPPING CENTER ZONE AND REZONINGS

CASE NO.: ZC 04-13

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

SECTION 1: That the Zoning Map established in Title 21 (Zoning Ordinance), Chapter 21.05 (Zone Establishment) is amended by changing the zoning assigned to properties at sites 1-7 as indicated on "Exhibit Y" and located as shown on Exhibits "1 of 10" through and including "7 of 10", attached hereto.

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

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 2nd day of AUGUST 2005, and thereafter.

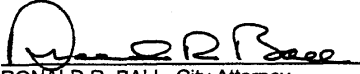
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 9th day of AUGUST 2005, by the following vote, to wit:

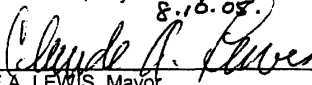
AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose

NOES: None


ABSENT: None

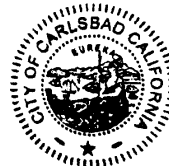
APPROVED AS TO FORM AND LEGALITY

  
RONALD R. BALL, City Attorney

  
8.10.05.  
CLAUDE A. LEWIS, Mayor

ATTEST:

  
LORRAINE M. WOOD, City Clerk (SEAL)



Ex. 1 15

Carlsbad LCPA #3-05B (Shopping Center Zone)  
Page 28

Exhibit "Y"  
Dated June 15, 2005

ZC 04-13; GPA 04-18; LCPA 04-16; MP 149(T); MP 178(C)  
TABLE OF AFFECTED PROPERTIES

Site No.	Property/Shopping Center Name	APN	LCP From	LCP To	Gen'l Plan From	Gen'l Plan To	Zone From	Zone To
1	Carlsbad Plaza North	167-030-29	-	-	L	no chg	C-2	C-L
	Carlsbad Plaza North	167-030-32	-	-	L	no chg	C-1	C-L
	Carlsbad Plaza North	167-030-48	-	-	L	no chg	C-2	C-L
	Carlsbad Plaza North	167-030-50	-	-	L	no chg	C-2	C-L
	Carlsbad Plaza North	167-030-74	-	-	L	no chg	C-2	C-L
2	Carlsbad Plaza South	167-030-76	-	-	L	no chg	C-2-Q/ R-P-Q	C-L
	Carlsbad Plaza South	167-030-77	-	-	L	no chg	C-2-Q	C-L
3-a	Plaza Paseo Real (Vons)	215-050-69	C	L	RM	L	R-P-Q	C-L
	Plaza Paseo Real (Vons)	215-050-70	C	L	RM	L	R-P-Q	C-L
	Plaza Paseo Real (Vons)	215-050-72	C	L	L	no chg	RDM-Q	C-L
	Plaza Paseo Real (Vons)	215-050-75	C	L	L	no chg	R-P-Q/ C-2-Q	C-L
	Plaza Paseo Real (Vons)	215-050-76	C	L	L	no chg	C-2-Q	C-L
4	La Costa Plaza (Albertsons)	216-580-01	-	-	L	no chg	C-1-Q	C-L
	La Costa Plaza (Albertsons)	216-580-02	-	-	L	no chg	C-1-Q	C-L
	La Costa Plaza (Albertsons)	216-580-03	-	-	L	no chg	C-1-Q	C-L
	La Costa Plaza (Albertsons)	216-580-04	-	-	L	no chg	C-1-Q	C-L
	La Costa Plaza (Albertsons)	216-580-05	-	-	L	no chg	C-1-Q	C-L
	La Costa Plaza (Albertsons)	216-580-06	-	-	L	no chg	C-1-Q	C-L
	La Costa Plaza (Albertsons)	216-580-07	-	-	L	no chg	C-1-Q	C-L
5	Pointsettia Village (Ralphs)	214-430-14	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-15	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-16	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-17	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-18	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-19	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-20	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-21	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-22	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-23	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-24	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-25	TS/C	L	T-R/L	L	C-2-Q	C-L
	Pointsettia Village (Ralphs)	214-430-26	TS/C	L	T-R/L	L	C-2-Q	C-L
6	Un-named center (Vons)	206-050-16	N	L	L	L	C-1	C-L
	Un-named center (Vons)	206-050-17	N	L	L	L	C-1	C-L
	Un-named center (Vons)	206-050-18	N	L	L	L	C-1	C-L
	Un-named center (Vons)	206-050-20	N	L	L	L	C-1	C-L
7	Sunny Creek commercial	209-090-11	-	-	L	no chg	C-2	C-L

Coastal Zone

Coastal Zone

Ex. 1 16

Carlsbad LCPA #3-05B (Shopping Center Zone)  
Page 29

Exhibit "Y"  
Dated June 15, 2005

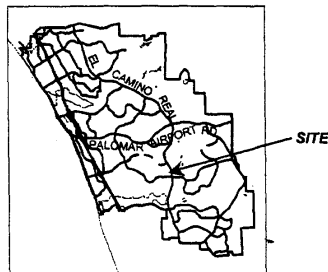
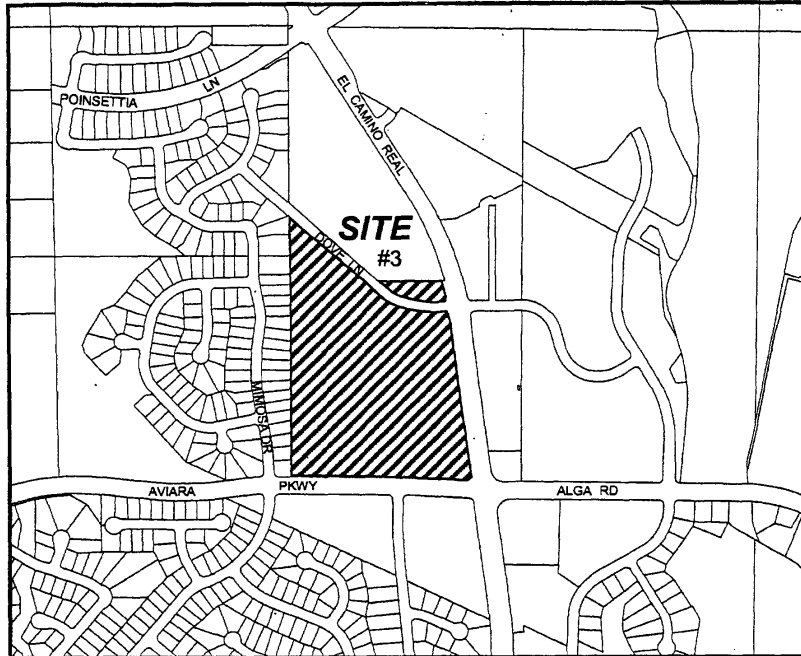
Site No.	Property/Shopping Center Name	APN	LCP From	LCP To	Gen'l Plan From	Gen'l Plan To	Zone From	Zone To
<b>PC Zoning/Master Plans</b>								
8	Los Coches Village (Henry's) (MP 149)	255-031-20	-	-	L	no chg	PC	no chg
9	La Costa Town Square (MP 149)	223-060-32 (approx.)	-	-	L	no chg	PC	no chg
10	Rancho La Costa (MP 149) (SavOn)	223-060-28	-	-	L	no chg	PC	no chg
	Rancho La Costa (MP 149) (SavOn)	223-060-29	-	-	L	no chg	PC	no chg
11	Bressi Ranch (PA 15 partial)	213-190-01	-	-	L	no chg	PC	no chg
	Bressi Ranch (PA 15 partial)	213-190-02	-	-	L	no chg	PC	no chg
	Bressi Ranch (PA 15 partial)	213-190-03	-	-	L	no chg	PC	no chg
	Bressi Ranch (PA 15 partial)	213-191-01	-	-	L	no chg	PC	no chg
	Bressi Ranch (PA 15 partial)	213-191-02	-	-	L	no chg	PC	no chg

<u>LCP Land Use Classifications</u> C = General Commercial TS = Travel Services N = Neighborhood Commercial L = Local Shopping Center	<u>General Plan Classifications</u> L = Local Shopping Center R-M = Residential Medium Density T-R = Travel Recreation	<u>Zoning Classifications</u> C-2 = General Commercial C-1 = Neighborhood Commercial R-P-Q = Res/ Professional R-D-M = Res Density Medium P-C = Planned Community Q (suffix) = Qualified Development Overlay
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For sites 8-11 the "zone change" is effected through amendments to the respective Planned Community master plans, which plans use tailored zoning that is based upon and references underlying, standard zones. The reference to the underlying zone is being changed within the master plans.

Ex. 1 17

Exhibit 2 of 10  
June 15, 2005



# LOCAL SHOPPING CENTER REZONINGS

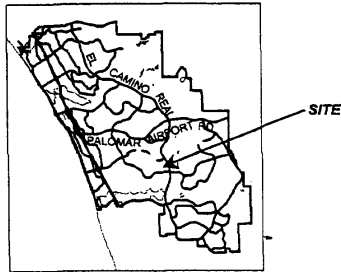
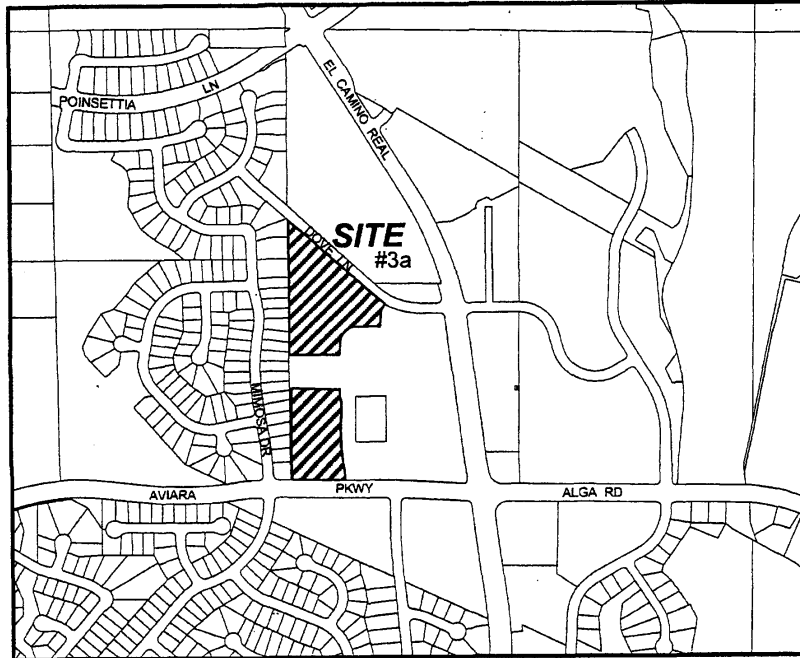
ZC 04-13/LCPA 04-16

Ex. 1

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Exhibit 3 of 10  
June 15, 2005



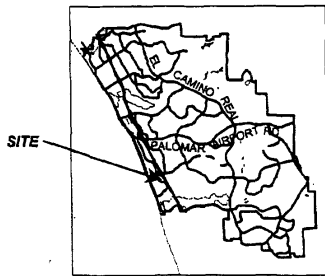
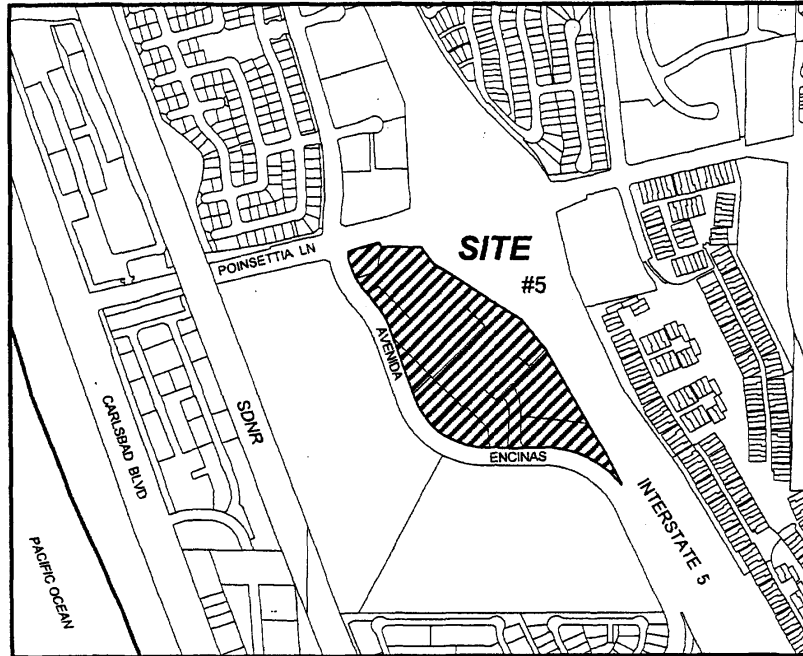
# LOCAL SHOPPING CENTER REZONINGS

GPA 04-18

Ex. 1

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Exhibit 5 of 10  
June 15, 2005



# LOCAL SHOPPING CENTER REZONINGS

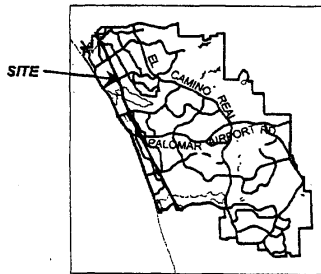
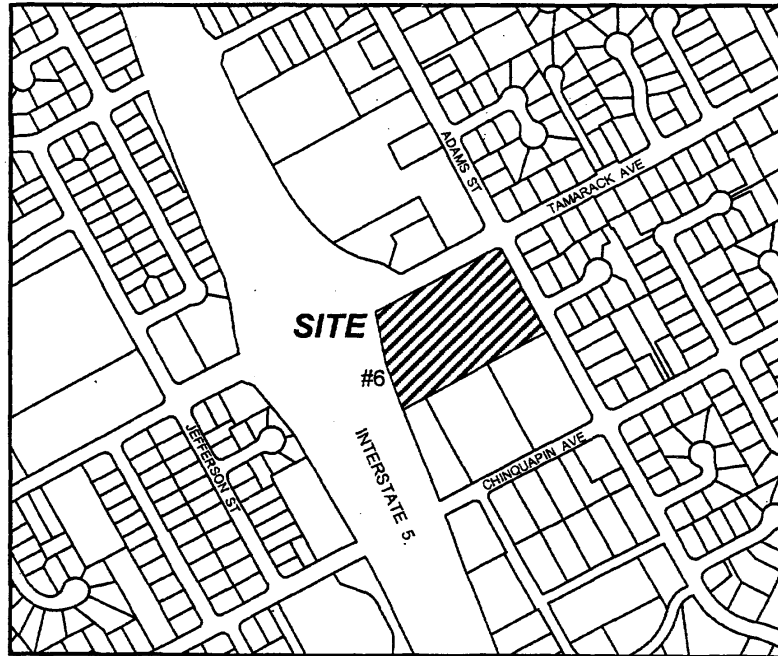
GPA 04-18/ZC 04-13/LCPA 04-16

Ex. 1

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Exhibit 6 of 10  
June 15, 2005



# LOCAL SHOPPING CENTER REZONINGS

ZC 04-13/LCPA 04-16

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**PLANNING COMMISSION RESOLUTION NO. 5918**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE CARLSBAD LOCAL COASTAL PROGRAM TO ADD NEW CHAPTER 21.31 (C-L LOCAL SHOPPING CENTER ZONE) AND AMEND CHAPTERS 21.06 (Q-QUALIFIED DEVELOPMENT OVERLAY ZONE), 21.83 (CHILD CARE), 21.05 (ZONE ESTABLISHMENT), AND THE SUMMARY OF TITLE 21 OF THE CARLSBAD MUNICIPAL CODE.

CASE NAME: LOCAL SHOPPING CENTER ZONE AND REZONINGS

CASE NO: LCPA 00-15

WHEREAS, the Planning Director has prepared an amendment to Title 21 of the Municipal Code (Zoning Ordinance) relating to residential development regulations, 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 June 15, 2005, attached to Planning Commission Resolution No. 5920 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 15th day of June, 2005, hold a duly noticed public hearing as prescribed by law to consider said request; and

Ex.1 22

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

WHEREAS, State Coastal Guidelines require a six week public review period for any amendment to the Local Coastal Program.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad, as follows:

- A) That the foregoing recitations are true and correct.
- B) At the end of the State mandated six week review period, starting on, April 29, 2005 and ending on June 10, 2005, staff shall present to the City Council a summary of the comments received.
- C) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS APPROVAL** of **LOCAL SHOPPING CENTER ZONE AND REZONINGS – LCPA 00-07** based on the following findings, and subject to the following conditions:

**Findings:**

- 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies of all segments of the Carlsbad Local Coastal Program not being amended by this amendment, in that it assures consistency with the Carlsbad Zoning Ordinance, and does not conflict with any coastal zone regulations, land use designations, or policies, with which development must comply.
- 2. That the proposed amendment to the Carlsbad Local Coastal Program is required to bring it into consistency with proposed Zone Code Amendment ZCA 00-07.

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PASSED, APPROVED AND ADOPTED at a regular meeting to the Planning  
Commission of the City of Carlsbad, held on the 15th day of June, 2005, by the following vote,  
to wit:

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

NOES:

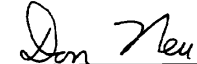
ABSENT:

ABSTAIN:



JEFFRE N. SEGALL, Chairperson  
CARLSBAD PLANNING COMMISSION

ATTEST:



DON NEU  
Assistant Planning Director

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**PLANNING COMMISSION RESOLUTION NO. 5921**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING ADOPTION OF AN AMENDMENT TO THE CARLSBAD LOCAL COASTAL PROGRAM TO ADD THE "L" (LOCAL SHOPPING CENTER) DESIGNATION TO THE LOCAL COASTAL PROGRAM LAND USE MAP, AND TO BRING THE DESIGNATIONS ON THE LOCAL COASTAL PROGRAM, GENERAL PLAN, AND ZONING MAP INTO CONFORMANCE ON PROPERTIES LOCATED AT THE PLAZA PASEO REAL SHOPPING CENTER, THE POINSETTIA VILLAGE SHOPPING CENTER, AND THE UN-NAMED SHOPPING CENTER AT THE INTERSECTION OF TAMARACK AVENUE AND ADAMS STREET IN THE CITY OF CARLSBAD.

CASE NAME: LOCAL SHOPPING CENTER ZONE AND REZONINGS  
CASE NO: LCPA 04-16

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

WHEREAS, the Planning Director, has filed a verified application for an amendment to the Local Coastal Program designations to add the "L" (Local Shopping Center) designation to the Local Coastal Program land use map, and to change the land use and zoning designations on 22 properties on three sites, known as the Plaza Paseo Real shopping center, the Poinsettia Plaza shopping center, and an un-named center located at the southwest corner of the intersection of Tamarack Avenue and Adams Street, owned by various parties; and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment to add the "L" (Local Shopping Center) land use class to the Local Coastal Program land use map, and to make changes to the land use designations and zoning on properties shown on Exhibits "Y," "2 of 10," "5 of 10," and "6 of 10," dated June 15, 2005, attached to Planning Commission Resolution No. 5920, and incorporated herein by reference, and on file in the Carlsbad Planning Department, LOCAL SHOPPING

Ex. 1

25

1 **CENTER ZONE AND REZONINGS – ZC 04-13**, as provided in Public Resources Code  
2 Section 30574 and Article 15 of Subchapter 8, Chapter 2, Division 5.5 of Title 14 of the  
3 California Code of Regulations of the California Coastal Commission Administrative  
4 Regulations; and

5  
6 WHEREAS, the Planning Commission did on the 15th day of June 2005, hold a  
7 duly noticed public hearing as prescribed by law to consider said request; and

8 WHEREAS, at said public hearing, upon hearing and considering all testimony  
9 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors  
10 relating to the Local Coastal Program Amendment; and

11 WHEREAS, State Coastal Guidelines require a six week public review period for  
12 any amendment to the Local Coastal Program.

13  
14 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning  
15 Commission of the City of Carlsbad, as follows:

- 16 A) That the foregoing recitations are true and correct.  
17  
18 B) At the end of the State mandated six week review period, starting on April 29,  
19 2005 and ending on June 10, 2005, staff shall present to the City Council a  
20 summary of the comments received.  
21  
22 C) That based on the evidence presented at the public hearing, the Commission  
23 RECOMMENDS APPROVAL of **LOCAL SHOPPING CENTER RE-**  
24 **ZONINGS (LCPA 04-16)**, based on the following findings, and subject to the  
25 following conditions:

26 **Findings:**

- 27 1. That the proposed addition of the "L" (Local Shopping Center) designation to the  
28 land use map of the Local Coastal Program (LCP) meets the requirements of, and is  
in conformity with, the policies of Chapter 3 of the Coastal Act and is necessary to  
maintain consistency and conformity of said map with the Land Use Map of the  
Carlsbad General Plan and that said designation is appropriate to replace the "C"  
(General Commercial) and "N" (Neighborhood Commercial) coastal land use  
designations on the LCP land use map on properties designated by the General Plan  
with the "L" (Local Shopping Center) designation.

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2. That the proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies of the Mello I and Mello II segments of the Carlsbad Local Coastal Program not being amended by this amendment, in that the existing General Commercial and Neighborhood Commercial land use designations and text descriptions within the LCP for all three sites call for retail commercial development; all three sites have been developed with local shopping centers; and the proposed "C-L" (Local Shopping Center) zone exists specifically to enable development of local shopping centers. In addition, with regard to the existing "T-R/L" (Travel Recreation/General Commercial) combination zoning on the Poinsettia Shopping Center, the Mello I discussion of the "Occidental Land" segment establishes that the shopping center site is designated "for visitor-serving or neighborhood commercial" [emphasis added], and, therefore, no need exists to retain the "T-R" portion of the combination zone.
  3. That the proposed amendment to the land use map of the Carlsbad Local Coastal Program is required to bring it into consistency with the Carlsbad General Plan Land Use Map, in that all three of the subject sites are designated "L" (Local Shopping Center) on the General Plan Land Use Map and this designation was created in the General Plan to replace the no-longer extant "N" (Neighborhood Commercial) and "C" (Community Commercial) land use classes. Further, all the sites are developed with existing local shopping centers, in keeping with the "L" designation.


PASSED, APPROVED AND ADOPTED at a regular meeting to the Planning Commission of the City of Carlsbad, held on the 15th day of June 2005, by the following vote, to wit:

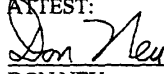
AYES: Chairperson Segall, Commissioners Baker, Cardosa, Dominguez, Heineman, Montgomery, and Whitton

NOES:

ABSENT:

ABSTAIN:

  
 \_\_\_\_\_  
 JEFFRE N. SEGALL, Chairperson  
 CARLSBAD PLANNING COMMISSION

ATTEST:  
  
 \_\_\_\_\_  
 DON NEU  
 Assistant Planning Director

Ex. 1

27

**PLANNING COMMISSION RESOLUTION NO. 5920**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING ADOPTION OF ZONE CHANGES ON 39 PROPERTIES FROM VARIOUS ZONES TO C-L (LOCAL SHOPPING CENTER) ON SEVEN SITES LOCATED IN VARIOUS LOCATIONS THROUGHOUT THE CITY IN VARIOUS LOCAL FACILITIES MANAGEMENT ZONES.

CASE NAME: LOCAL SHOPPING CENTER ZONE AND RE-ZONINGS  
CASE NO: ZC 04-13

WHEREAS, the Planning Director of the City of Carlsbad has filed a verified application with the City of Carlsbad regarding 39 properties on seven sites owned by various parties; and

WHEREAS, said application constitutes a request for Zone Changes as shown on Exhibits "Y" and "1 of 10" - "10 of 10" dated June 15, 2005, attached hereto and on file in the Planning Department, LOCAL SHOPPING CENTER ZONE AND REZONINGS - ZC 04-13, as provided by Chapter 21.52 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did on the 15th day of June, 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, said Commission considered all factors relating to the Zone Change.

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

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS ADOPTION OF LOCAL SHOPPING CENTER ZONE AND REZONING - ZC 04-13**, based on the following findings:

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Ex. 1 28



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**Findings:**

1. That the proposed Zone Changes are consistent with the goals and policies of the various elements of the General Plan, in that **the zone will enable and govern the development of needed local shopping centers, as called for by the Land Use Element of the General Plan to provide the retail goods and services needed on a daily basis by residents of local neighborhoods.**
2. That the Zone Change will provide consistency between the General Plan and Zoning as mandated by California State law and the City of Carlsbad General Plan Land Use Element, in that **concurrent with or in advance of this proposed rezoning, the City adopted the "C-L" (Local Shopping Center Zone) for the express purpose of implementing the "L" (Local Shopping Center) General Plan designation, as called for by commercial land use policy C-15 of the Land Use Element.**
3. That the Zone Change is consistent with the public convenience, necessity and general welfare, and is consistent with sound planning principles in that **the application of the zone to these properties will implement the city-wide spatial distribution of shopping centers anticipated by the general plan as needed to provide for a) convenient travel times for shoppers and b) desirable price points for daily-needed goods and services through moderated competition, while not over-commercializing the city with undesirable numbers of shopping centers or strip commercial developments.**

**Conditions**

1. **The adoption of the this zone change is subject to the prior or concurrent adoption of ZCA 00-07 (LOCAL SHOPPING CENTER ZONE), which adds Title 21.31 to the Municipal Code, creating the "C-L" Local Shopping Center Zone.**

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Ex. 1      29

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PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning  
Commission of the City of Carlsbad, held on the 15th day of June, 2005, by the following vote,  
to wit:

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

NOES:

ABSENT:

ABSTAIN:



JEFFRE N. SEGALL, Chairperson  
CARLSBAD PLANNING COMMISSION

ATTEST:

  
DON NEU  
Assistant Planning Director

Ex. 1

36

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADDING NEW CHAPTER 21.31 (C-L LOCAL SHOPPING CENTER ZONE) AND, AMENDING CHAPTERS 21.06 (Q QUALIFIED DEVELOPMENT OVERLAY ZONE), 21.83 (CHILD CARE), 21.05 (ZONE ESTABLISHMENT), AND THE SUMMARY OF TITLE 21 OF THE CARLSBAD MUNICIPAL CODE.

CASE NAME: LOCAL SHOPPING CENTER ZONE AND REZONINGS  
CASE NO.: ZCA 00-07

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

SECTION 1: That Title 21, Chapter 21.06 (Q Qualified Development Overlay Zone) of the Carlsbad Municipal Code is amended by the amendments to Sections 21.06.010, 21.06.020, and 21.06.090 each to read as follows:

"21.06.010 Intent and purpose.

The intent and purpose of the Q qualified development overlay zone is to supplement the underlying zoning by providing additional regulations for development within designated areas to:

(1) Require that property development criteria are used to insure compliance with the general plan and any applicable specific plans;

(2) Provide that development will be compatible with surrounding developments, both existing and proposed;

(3) Insure that development occurs with due regard to environmental factors;

(4) Allow a property to be granted a particular zone where some or all of the permitted uses would be appropriate to the area only in certain cases with the addition of specific conditions;

(5) Provide for public improvements necessitated by the development;


(6) Promote orderly, attractive and harmonious development, and promote the general welfare by preventing the establishment of uses or erection of structures which are not properly related to or which would adversely impact their sites, surroundings, traffic circulation or environmental setting.

(7) **Provide a process for the review and approval of Site Development Plans as called for by this Chapter or other provisions of this Code."**

"21.06.020 Permitted uses and structures findings.

(a) Subject to the provisions of subsection (b), in the Q qualified development overlay zone, any principal use, accessory use, transitional use or conditional use permitted in the underlying zone is permitted subject to the same conditions and restrictions applicable in such underlying zone and to all of the requirements of this chapter.

(b) Notwithstanding subsection (a) no use shall be permitted without the approval of a planning commission, or the City Council on appeal, finds:

EXHIBIT NO. 2
<b>CARLSBAD LCPA #3-05B (Shopping Center Zone)</b>
Strike-Out/Underline of Ordinance 1 of 15
 California Coastal Commission

1 (1) That the requested use is properly related to the site, surroundings  
2 and environmental settings, is consistent with the various elements and objectives of the  
3 general plan, will not be detrimental to existing uses or to uses specifically permitted in  
4 the area in which the proposed use is to be located, and will not adversely impact the  
5 site, surroundings or traffic circulation;

6 (2) That the site for the intended use is adequate in size and shape to  
7 accommodate the use;

8 (3) That all of the yards, setbacks, walls, fences, landscaping, and  
9 other features necessary to adjust the requested use to existing or permitted future uses  
10 in the neighborhood will be provided and maintained;

11 (4) That the street system serving the proposed use is adequate to  
12 properly handle all traffic generated by the proposed use; and;

13 (5) **For local shopping centers located in the C-L Local Shopping  
14 Center Zone, such additional findings as are set out in Chapter 21.31, Section  
15 21.31.040.D for new or major amendments to site development plans approved by  
16 the city council."**

17 "21.06.090 Development standards.

18 Property in the Q zone shall be subject to the development standards required in  
19 the underlying zone and any applicable specific plans, except for affordable housing  
20 projects as expressly modified by the site development plan. The site development plan  
21 for affordable housing projects may allow less restrictive development standards than  
22 specified in the underlying zone or elsewhere provided that the project is in conformity  
23 with the general plan and adopted policies and goals of the city, it would have no  
24 detrimental effect on public health, safety and welfare, and, in the coastal zone, any  
25 project processed Subject to this chapter shall be consistent with all certified local  
26 coastal program provisions, with the exception of density. In addition, the planning  
27 commission or the City Council in approving a site development plan may impose special  
28 conditions or requirements which are more restrictive than the development standards in  
the underlying zone or elsewhere that include provisions for, but are not limited to the  
following:

(1) Special setbacks, yards, active or passive open space, required as part of  
the entitlement process;

(2) Special height and bulk of building regulations;

(3) Fences and walls;

(4) Regulation of signs;

(5) Additional landscaping;

(6) Special grading restrictions;

(7) Requiring street dedication and improvements (or posting of bonds);

(8) Requiring public improvements either on or off the subject site that are  
needed to service the proposed development;

(9) Time period within which the project or any phases of the project shall be  
completed;

(10) Regulation of point of ingress and egress;

(11) **Architecture, color, texture, materials and adornments**

(12) Such other conditions as deemed necessary to insure conformity with the  
general plan and other adopted policies, goals or objectives of the city.

~~However, it is not intended that the review of the site development plan shall include  
aesthetic aspects such as:~~

~~(1) Color;~~

~~(2) Texture;~~

~~(3) Materials;~~

1 (4) — Adornments.”

2 SECTION 2: That Title 21, Chapter 21.06 (Q Qualified Development Overlay  
3 zone) of the Carlsbad Municipal Code is amended by the addition of Section 21.06.170, to read  
4 as follows:

5 “21.06.170 Amendments to site development plans.

6 Amendments to a site development plan may be initiated by the property  
7 owner or an authorized agent. An application for amendment of an existing site  
8 development plan shall be processed, heard, and determined in the same manner  
9 as an application for a new site development plan, except as provided in Section  
10 21.31.050 for a site development plan for a local shopping center. When  
11 necessary, the amendment shall be accompanied by an amendment to any related  
12 permit or map that is affected by the amendment.”

13 SECTION 3. That Title 21 of the Carlsbad Municipal Code is amended by the  
14 addition of new Chapter 21.31, C-L Local Shopping Center Zone, to read as follows:

15 “Chapter 21.31  
16 C-L Local Shopping Center Zone

17 Section:

- 18 21.31.010 Intent and purpose  
19 21.31.020 Definition  
20 21.31.030 Permitted uses  
21 21.31.040 Approval process for new local shopping centers  
22 21.31.050 Redeveloping, remodeling, and expanding existing shopping centers  
23 21.31.055 Projects in process  
24 21.31.060 Special requirements to be addressed in a SDP  
25 21.31.070 Limitations on permitted uses in C-L zone  
26 21.31.080 Development standards  
27 21.31.090 Severability.

28 21.31.010 Intent and purpose

The intent and purpose of the C-L Local Shopping Center zone is to:

- 29 A. Implement the Local Shopping Center (L) land use designation of the  
30 Carlsbad General Plan;  
31 B. Assure that any site zoned C-L will be developed so as to provide a range  
32 of goods and services to meet the daily necessities and convenience of the residents of  
33 the neighborhoods in which the site is located.  
34 C. Assure that local shopping centers are developed consistent with adopted  
35 specific plans, master plans, and local facilities management plans;  
36 D. Assure that local shopping centers will be compatible with surrounding  
37 development and the local neighborhoods in which they are located;  
38 E. Provide opportunities for local shopping centers to supplement their  
principal function of providing local neighborhoods with daily goods and services

1 through the inclusion of community-serving uses, residential uses, general offices,  
 2 medical offices, public and semi-public facilities, and entertainment uses when such  
 other uses are found by the city to be desirable and can be integrated into the form and  
 function of the local shopping center; and

3 F. Create a permit process through which proposals for new, expanded or  
 4 redeveloped local shopping centers will be reviewed to assure that shopping centers:  
 5 comply with the intents and purposes stated herein; include superior and creative  
 design and architecture; and conform with the city's objectives for the community's  
 environment, health, safety, and welfare.

6 **21.31.020 Definition: local shopping center.**

7 "Local shopping center" means a group of architecturally unified commercial  
 8 establishments providing primarily neighborhood-serving goods and services,  
 numbering at least three such establishments, built upon a site that is planned,  
 9 developed, owned and managed as an operating unit related in its location, size, and  
 type of shops to the trade area that it serves and with on-site parking in definite  
 10 relationship to the types and total size of the stores. A local shopping center provides  
 daily necessities and convenience goods and services needed by the neighborhood in  
 11 which it is located. Therefore, it normally will have as major anchor tenants a grocery  
 store and/or drug store or such combination of other establishments that function to  
 12 provide equivalent goods and services, plus other, secondary tenants. Other uses and  
 tenants may supplement, but not replace the local-serving nature of the center.

13 **21.31.030 Permitted uses.**

14 A. Notwithstanding any other provision of this Title, only the uses listed in  
 Table A, below, shall be permitted, subject to the requirements and development  
 standards specified by this chapter.

15 B. The uses permitted by conditional use permit, as indicated in Table A shall  
 be subject to the provisions of Chapters 21.42 (Conditional Uses) and 21.50 (Variances –  
 Conditional Use Permits).

16 C. A use similar to those listed in Table A may be permitted if the Planning  
 Director determines such similar use falls within the intent and purposes of this zone,  
 17 and is substantially similar to the specified permitted uses.

18 D. A use category may be general in nature, where more than one particular  
 use fits into the general category (ex: in some commercial zones "offices" is a general  
 19 use category that applies to various office uses). However, if a particular use is  
 permitted by conditional use permit in another zone, the use shall not be permitted in  
 20 this C-L zone (even under a general use category) unless it is specifically listed in Table  
 A of this Chapter as permitted or conditionally permitted.

21 **TABLE A**  
 22 **USES PERMITTED IN THE C-L Zone**

23 In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- 24 • "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
- "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	ACC
25 Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex: incidental storage facilities (see Note 1, below) (defined: Sec. 21.04.020)			X
26 Adult and/or senior daycare and/or recreation facility (private or non-profit)		X	
Agricultural farm worker housing (temporary) (Subject to 21.41.010(2)(M))		X	
27 All uses permitted in Chapter 21.25 (CF- Community Facilities Zone)		X	
Alcoholic treatment center		X	

Ex. 2

**TABLE A  
USES PERMITTED IN THE C-L Zone**

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
- "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	ACC
Arcades - coin operated (Subject to Section 21.42.010(5)(U)) (defined: Sec. 21.04.091)		X	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X		
Bars, cocktail lounges (defined: Sec.21.04.041)		X	
Biological habitat preserve (Subject to Section 21.42.010(15)(A)) (defined: Sec 21.04.048)		X	
Bowling alley (Subject to Section 21.42.010(5)(T)) (defined: Sec. 21.04.057)		X	
Car wash (Subject to Section 21.26.015(5))		X	
Child day care centers (Subject to Chapter 21.83 of this Title) (defined: Sec. 21.04.086)	X		
Clubs - non-profit; business, civic, professional, etc. (defined: Sec. 21.04.090)		X	
Delicatessen	X		
Drive-through facilities (not restaurant)		X	
Educational facilities, other (business, vocational, tutoring, and for such subjects as dance, drama, cosmetology, language, music, martial arts, etc.) (see Note 5, below)	X		
Gas stations (Subject to section 21.42.010(7))		X	
Government and quasi-governmental offices and facilities		X	
Kiosks, vending carts, and push carts (see Note 1, below)			X
Liquor store (Subject to Sec 21. 26.015(3)) (defined: Sec 21.04.203)		X	
Manufacturing/fabrication of goods (ancillary) (Subject to Section 21.31.070) (see Note 1, below)			X
Medical uses (excluding hospitals), including offices for medical and other health practitioners, clinics, incidental laboratories, and pharmacies (prescription only)	X		
Mobile Buildings (Subject to Section 21.42.010(2)(N)) (defined Section 21.04.265)		X	
News/magazine stands (see Note 1, below)			X
Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound.		X	
Office uses, that provide services directly to consumers, including, but not limited to, banking, financial, insurance, and real estate services. (See Note 2, below)	X		
Outdoor dining (incidental) (Subject to Section 21.26.013)			X
Outdoor sales of goods (temporary/seasonal, including but not limited to Christmas trees, pumpkins) (see Note 1, below)			X
Packing/sorting sheds > 600 sq. ft. and greenhouses > 2, 000 sq. ft. (Subject to Sec. 21.42.010(2)(F))		X	
Pet shops/pet supplies	X		
Plant nurseries, nursery supply (retail)		X	
Pool halls, billiard parlors (Subject to Section 21.42.010(5)(X)) (defined: Sec. 21.04.292)		X	
Public meeting halls, exhibit halls, and museums		X	
Public/quasi-public accessory utility buildings and facilities (see Note 3, below)		X	
Radio/television/microwave/broadcast station/tower		X	
Recycling collection facilities (Subject to Chapter 21.105 of this Title. See also Section 21.31.080(O) of this Chapter) (defined: Sec. 21.105.015)		X	
Recycling, reverse vending machine (Subject to Chapter 21.105 of this Title. See also Section 21.31.080(O) of this Chapter) (defined: Section 21.105.025) (see Note 1, below)			X
Residential uses located above the ground floor of a multi-story, commercial building.		X	
Restaurants, cafés, and other retail food and beverage-serving uses including take-out only service (no drive-through)	X		
Retail uses that provide goods sold directly to consumers, and focusing primarily on the needs of the local neighborhood. (see Note 4, below)	X		
Satellite television antennas (Subject to Sections 21.53.130 through 21.53.150)	X		
Services, provided directly to consumers, and focusing primarily on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services.	X		
Signs (Subject to Chapter 21.41 of this Title)			X
Temporary building/trailer (construction) (Subject to Section 21.53.110)	X		
Theaters (motion picture or live) - indoor		X	

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**TABLE A  
USES PERMITTED IN THE C-L Zone**

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
- "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	ACC
Theaters, stages, amphitheaters - outdoors		X	
Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		X	
Wireless communications facilities and antennas (defined: Sec. 21.04.379)		X	

**Notes:**

1. Accessory buildings and structures and ancillary uses shall be developed and operated as an integral part of a permitted use within or on the same structure or parcel of land.
2. Offices: The total floor area of office uses shall not exceed 40% of the gross leasable floor area within any local shopping center.
3. Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or neighboring telephone exchanges, with the necessary accessory equipment incidental thereto. A CUP shall not be required for those utility buildings/facilities that are built, operated, or maintained by a public utility to the extent that they are regulated by the California Public Utilities Commission.
4. Retail sales may also include those types of goods and services that are typically offered by "community" retail establishments, when "community" retail establishments are included in the local shopping center, subject to the definition of a local shopping center, Section 21.31.020, and the function of the Local Shopping Center land use class as described in the Carlsbad General Plan.
5. Educational facilities/schools. No individual school shall occupy more than 10,000 s. ft. of gross leasable floor area within any local shopping center.

**21.31.040 Approval process for new local shopping centers**

A. A site development plan shall be required for the development of a new local shopping center. The site development plan shall be processed subject to Chapter 21.06 (Q Qualified Development Overlay Zone) of this title, as modified by this Section.

B. Role of Planning Commission. The Planning Commission is authorized to review at a noticed, public hearing, subject to Chapter 21.54, a proposed site development plan and any other permits or entitlements being processed concurrently therewith, and to make a recommendation to the City Council to approve, conditionally approve, or deny the site development plan or plan amendment, and any concurrently-processed permits or entitlements. The recommendations of the Planning Commission shall be forwarded to the City Council forthwith.

C. Decision maker.

The City Council shall be the decision-maker for a site development plan required by this chapter. The City Council shall also be the decision-maker for all other permits and entitlements associated with a local shopping center, when such permits and entitlements are processed concurrently with the site development plan. Once a site development plan has been approved by the City Council, however, any subsequent permits or entitlements shall be processed and approved as elsewhere established by this Title. The City Council, following a public hearing, noticed subject to Chapter 21.54, shall approve, conditionally approve, or deny the requested approvals. The decision of the City Council shall be final.

D. Mandatory findings of fact.

In addition to the findings set out in Section 21.06.020(b) (Q Qualified Development Overlay Zone - findings), no site development plan for a local shopping center shall be approved unless the City Council finds that the site, either by itself or in combination with another, adjoining center, will provide the normal range of goods and

Ex. 2



1 services to meet the everyday needs of the local neighborhood, in keeping with the  
2 intent and purpose of both this zone and the local shopping center general plan  
3 designation. For the purpose of this section, "adjoining center" means that the second  
shopping center either abuts the subject center or is located on property immediately  
across a common street.

4 **21.31.050 Redeveloping, remodeling, and expanding existing shopping centers**

5 **A.** A proposal to redevelop, remodel or expand an existing local shopping  
6 center shall be processed through a site development plan. Where a site development  
7 plan does not exist for an existing center, a site development plan shall first be obtained  
pursuant to Section 21.31.040. Where a site development plan exists, the proposal shall  
be processed through an amendment to the site development plan as provided by this  
section.

8 **B.** Major amendment. Any proposal for a major remodeling or redevelopment  
9 of an existing shopping center shall first obtain a major amendment to the site  
10 development plan, which amendment shall be processed according to Section 21.31.040  
11 with the City Council as the decision maker. Any change of a site that constitutes a  
12 major remodeling or redevelopment will typically result in removal and/or replacement  
of 50% or more of the existing building floor area of the center or a combination of  
changes to floor area, landscaping, parking, facades, or other site features that  
constitutes a major reconfiguration or redesign of the site. Where this threshold is  
unclear, the Planning Director shall determine whether the proposal will require a major  
amendment to the site development plan.

13 **C.** Minor amendment. Any proposal for remodeling, redeveloping, or  
14 expanding an existing local shopping center, which does not require a major  
15 amendment as established by paragraph B, and which is not excepted by paragraph D  
shall first obtain a minor amendment to the site development plan. A minor site  
development plan amendment shall be heard and approved by the Planning  
Commission pursuant to the process and findings contained in Chapter 21.06 (Q.  
Qualified Development Overlay Zone).

16 **D.** Exceptions.

17 The following are excepted from the need to obtain an amendment to an existing  
18 site development plan or for a new site development plan for an existing center that  
19 does not have one:

- 18 1. Tenant improvements.
- 19 2. Any one addition of new floor area with a cumulative total of less  
20 than 1,000 square feet.
- 21 3. Any non-floor-area changes to the site design that collectively  
22 result in less than a ten percent change to the site, as determined by the Planning  
23 Director.

24 **21.31.055 Projects in process.**

25 Any application for a site development plan or an amendment to a site development  
26 plan, which application was deemed complete prior to the effective date of the  
27 ordinance that created this chapter, shall not be subject to the provisions of this  
28 chapter, but shall be processed and approved or disapproved pursuant to the ordinance  
superseded by the ordinance codified in this chapter.

29 **21.31.060. Special requirements to be addressed in the site development plan.**

30 A site development plan for a local shopping center shall show how each of the  
following, if applicable, will be developed.

- 31 **A.** Employee eating and outdoor eating areas.

Ex. 2

- 1                   1.     Required eating areas for employees (subject to Section  
21.31.080(L));
- 2                   2.     Food courts or outdoor seating areas, operated in common with or  
available to the patrons of more than one restaurant, if any;
- 3                   3     Restaurants with eating areas located outdoors or within common  
4 areas otherwise designated for pedestrian or other traffic, if any;
- 5                   B.     Temporary outdoor display and sales of seasonal items (pumpkins,  
Christmas trees);
- 6                   C.     Areas designated for outdoor cooking or barbequing, if any;
- 7                   D.     Kiosks and vending carts, if any;
- 8                   E.     Signs;
- 9                   F.     Recycling facilities;
- G.     Special events area or public gathering area, if any;
- H.     Bicycle parking;
- I.     Shopping cart collection and storage areas; and
- J.     Access points to the site for pedestrians and internal pedestrian  
circulation.

10                   21.31.070.    Limitations on permitted uses in C-L zone.  
Every use permitted shall be subject to the following conditions and  
11 limitations:

- 12                   A.     Conduct uses in buildings.  
All uses shall be conducted wholly within a building, except such uses as  
13 gasoline stations, nurseries for sale of plants and flowers, uses set out in Section  
21.31.060, and other enterprises customarily conducted in the open or otherwise as  
14 identified and permitted in a site development plan. The Planning Director is authorized  
to make any necessary interpretations of this subsection;
- 15                   B.     On-site manufacture of goods.  
Products made incident to a permitted use shall be sold only at retail on the  
16 premises, and not more than five persons may be employed in the manufacturing of  
products permitted herein;
- 17                   C.     Storage shall be limited to:
- 18                   1.     Accessory storage of commodities to be sold at retail on the  
premises; and
- 19                   2.     Materials to be recycled.

20                   21.31.080    Development standards.

21                   A.     Exercise of site development plan.  
The City Council in approving or amending, or the Planning Commission  
22 in amending, a site development plan may impose special conditions or requirements  
23 that include provisions for, but are not limited to the following:

24                   1.     Intensity of use;

25                   2.     Compatibility with surrounding properties and land uses;

26                   3.     Parking standards;

27                   4.     Yards;

                  5.     Height and bulk of buildings;

                  6.     Fences and walls;

                  7.     Signs;

                  8.     Landscaping;

                  9.     Grading, slopes, and drainage;

                  10.    Time period within which the project or any phases of the projects  
shall be completed;

Ex. 2

1 11. Points of ingress or egress, including points used by pedestrians  
and bicyclists;

2 12. Architecture, including colors, textures, materials, and adornments;

3 13. Such other conditions as are deemed necessary to ensure  
conformity with the general plan and other adopted policies, goals or objectives of the  
city, including the purpose and intents of this Chapter.

4 B. Property size.

5 No site shall be included in the local shopping center zone unless all  
constituent properties are contiguous, planned as an integrated whole, and aggregate to  
a minimum of four (4.0) net acres, if already developed with retail uses, or seven (7.0)  
6 gross acres, if undeveloped or developed with uses other than retail.

7 C. Building height.

8 1. No building in the C-L zone shall exceed a height of thirty-five (35)  
feet or three levels and allowed height protrusions as described in Section 21.46.020  
shall not exceed forty-five (45) feet. Additional building height may be permitted to a  
9 maximum of forty-five (45) feet through the site development plan approved by the City  
Council, provided that:

10 a. The building does not contain more than three levels; and

11 b. All required yards shall be increased at a ratio of one (1)  
horizontal foot for every one (1) foot of vertical construction beyond thirty-five (35) feet.  
The additional yard area will be maintained as landscaped open space; and

12 c. The building conforms to the requirements of Section  
18.04.170 of this code; and

13 d. As described in Section 21.46.020, architectural features  
such as flagpoles, steeples, or architectural towers, may be permitted up to fifty-five (55)  
feet if the City Council makes the specific findings that the protruding architectural  
14 features:

15 i. Do not function to provide usable floor area; and

16 ii. Do not adversely impact adjacent properties; and

17 iii. Are necessary to ensure a building's design

18 excellence.

19 D. Yards.

20 1. The following yards shall apply to the periphery of a local shopping  
center unless otherwise established through a prior site development plan  
21 approval:

TABLE B: YARDS	
SITE PROPERTY LINE IS ADJACENT TO	YARD DEPTH
Primary Arterial Road	20 feet
Secondary Arterial Road	15 feet
Non-Arterial Road	10 feet
Not On A Street Frontage	10 feet

22 2. Protrusions into yards. The following intrusions only may be  
permitted within required yards:

23 a. Pedestrian walkways,

24 b. Landscaping,

25 c. Fences or walls,

26 d. Approved areas of ingress and egress,

27 e. Directional signs and approved monument signs,

28 Ex. 2

1 f. Public recreational facilities or outdoor eating areas as  
authorized in the site development plan,

2 g. Architectural projections such as eaves, trellises, sun  
shades, columns, and buttresses may extend up to three feet into any yard.

3 E. Landscaping. Landscaping shall be provided pursuant to the City of  
4 Carlsbad Landscape Manual and Chapter 21.44 (Parking).

5 F. Walls and Fences.

6 1. A solid masonry wall, six feet in height, shall be constructed along  
the common lot line with any residentially zoned property, except that the wall shall be  
7 42 inches in height along that part of the common lot line that bounds the front yard of  
the residential property.

8 2. Other walls and fences up to a height of six feet are permitted  
except that no wall or fence shall be erected in excess of forty-two inches in height  
9 within a yard adjacent to streets. Chain link, barbed wire, razor ribbon or other similar  
fences are specifically not permitted.

10 G. Lighting.

11 Exterior lighting is required for all employee and visitor parking areas, walkways,  
and building entrances and exits. Light sources shall be designed to avoid direct or  
12 indirect glare to any off-site properties or public rights-of-way.

13 H. Roof Appurtenances.

14 All roof appurtenances, including air conditioners, shall be architecturally  
integrated and shielded from view and the sound buffered from adjacent properties and  
15 streets, to the satisfaction of the Planning Director.

16 I. Trash enclosures.

17 Trash receptacle areas shall be enclosed by a six-foot-high masonry wall  
with gates subject to city standards.

18 J. Loading areas and docks

19 All loading areas shall be oriented and/or screened so as to be  
unobtrusive from the adjacent streets or properties. Appropriate mitigating measures  
20 shall be incorporated to assure that noise from a loading area or dock does not exceed  
65 dB CNEL at the shopping center's property line.

21 K. Parking requirements.

22 Parking shall be provided subject to the provisions of Chapter 21.44 of  
23 this Title.

24 L. Employee eating areas.

25 Outdoor eating facilities for employees of the center shall be provided, as  
follows, except as noted below:

26 1. A minimum of 300 square feet of outdoor eating facilities shall be  
provided for each 50,000 square feet of floor area, or portion thereof. Credit towards the  
27 required amount of floor area will be given for centers in which two or more restaurants  
share a common, public eating area in a food court or for other public eating area  
28 available to all patrons, comprising at least 600 square feet.

2. The area shall be easily accessible to the employees of the local  
shopping center.

3. The area shall be landscaped and provided with attractive outdoor  
furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash  
receptacles.

4. The site size, location, landscaping and furniture required above  
shall be approved as part of the required site development plan, or if no site  
development plan is required, a plan of the eating area shall be provided to and  
approved by the Planning Director;

Ex. 2

**M. Signs.**

Signage for sites in the C-L zone that are subject to a site development plan shall be implemented according to a sign program, as established by Section 21.41.060 (Sign Ordinance) of this Title. Signs for sites not subject to a site development plan shall be subject to all other provisions of Chapter 21.41 (Sign Ordinance).

**N. Recycling areas.**

Where state law requires a recycling area for beverage containers to be located within the center, said recycling area shall be subject to the provisions of Chapter 21.105 of this Title. The location of all recycling areas shall be set out in the site development plan and the parameters of operation shall be called out.

**21.31.090 Severability**

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

SECTION 4: That Title 21, Chapter 21.83 (Child Care) of the Carlsbad Municipal Code is amended by the amendment to Section 21.83.040 to read as follows:

**"21.83.040 Use chart.**

Zones in which small and large family day care homes and child day care centers are shown on the following use chart. Permitted, administrative, conditional, and prohibited are authorized as follows:

"P" Indicates that the use is permitted in the zone.

"A" Indicates that the use is permitted subject to approval of an administrative permit.

"C" Indicates that the use is permitted subject to approval of a conditional use permit.

"X" Indicates that the use is prohibited in the zone.

Zoning	Small Family Day Care Home (8 or fewer children)	Large Family Day Care Home (14 or fewer children)	Child Day Care Center
RA, RE, EA	P	P(1)	X
R-1	P	P(1)	X
R-2	P	P(1)	X
R-3, RD-M, RP	P	P(1)	A(2)
RT, RW, RMHP	P	P(1)	X
O	X	X	A(2)
HO	X	X	P(3)
C-1, C-2, CL	X	X	P(3)
PM, CM	X	X	C
M, PU, OS, LC, TC, CT	X	X	X

Ex. 2

1	VR, PC	(4)	(4)	(4)
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- 2 1. Permitted only when the large family day care home is located on a lot occupied by a
- 3 detached, single-family dwelling on a lot of 7,500 square feet or more by ministerial approval
- 4 without a public hearing and subject to the provisions of Section 21.83.050 of this chapter.
- 5 2. Permitted subject to the provisions of Sections 21.83.070 and 21.83.080 of this chapter.
- 6 3. Permitted subject to the provisions of Section 21.83.080 of this chapter and the requirements
- 7 of any controlling document (e.g., site development plan).
- 8 4. Permitted subject to the standards of the controlling document (village redevelopment master
- 9 plan and design guidelines or designated master plan) and the provisions of Section
- 10 21.83.080 of this chapter."

11 SECTION 5: That Title 21, Chapter 21.05 (ZONE ESTABLISHMENT -  
12 BOUNDRIES), of the Carlsbad Municipal Code is amended by the amendment of  
13 Section 21.05.010, to read as follows:

14 "21.05.010 Names of zones.

15 In order to classify, regulate, restrict and segregate the uses of land and buildings, to  
16 regulate and restrict the height and bulk of buildings, to regulate the area of yards and other  
17 open spaces about buildings, and to regulate the density of population, ~~thirty-five~~ **thirty six**  
18 classes of zones **and overlay zones** are established by this title to be known as follows:

- 19 C-1—Neighborhood Commercial Zone
- 20 C-2—General Commercial Zone
- 21 C-F—Community Facilities Zone
- 22 C-T—Commercial Tourist Zone
- 23 **C-L—Local Shopping Center Zone**
- 24 C-M—Heavy Commercial-Limited Industrial Zone
- 25 E-A—Exclusive Agricultural Zone
- 26 L-C—Limited Control Zone
- 27 M—Industrial Zone
- 28 O—Office Zone
- O-S—Open Space Zone
- P-C—Planned Community Zone
- P-M—Planned Industrial Zone
- P-U—Public Utility Zone
- R-1—One-family Residential Zone
- R-2—Two-family Residential Zone
- R-3—Multiple-family Residential Zone
- R-A—Residential Agricultural Zone
- R-E—Residential Estate Zone
- R-P—Residential-Professional Zone
- R-T—Residential Tourist Zone
- R-W—Residential Waterway Zone
- RD-M—Residential Density-Multiple Zone
- RMHP—Residential Mobile Home Park
- T-C—Transportation Corridor Zone
- VR—Village Redevelopment Zone

Ex. 2

- 1 BAO—Beach Area Overlay Zone
- 2 Coastal Agriculture Overlay Zone
- 3 Coastal Resource Protection Overlay Zone
- 4 Coastal Shoreline Development Overlay Zone
- 5 Coastal Resource Overlay Zone Mello I LCP Segment
- 6 C/V-SO—Commercial/Visitor-Serving Overlay Zone
- 7 F-P—Floodplain Overlay Zone
- 8 H-O—Hospital Overlay Zone
- 9 Q—Qualified Development Overlay Zone
- 10 S-P—Scenic Preservation Overlay Zone"

SECTION 6: That Title 21, Summary of Zones, is amended by the addition of Chapter

21.31, as follows:

"Title 21

ZONING

Chapters:

- 21.02 Purpose
- 21.04 Definitions
- 21.05 Zone Establishment – Boundaries
- 21.06 Q Qualified Development Overlay Zone
- 21.07 E-A Exclusive Agricultural Zone
- 21.08 R-A Residential Agricultural Zone
- 21.09 R-E Rural Residential Estate Zone
- 21.10 R-1 One-Family Residential Zone
- 21.12 R-2 Two-Family Residential Zone
- 21.16 R-3 Multiple-Family Residential Zone
- 21.18 R-P Residential Professional Zone
- 21.20 R-T Residential Tourist Zone
- 21.21 H-O Hospital Overlay Zone
- 21.22 R-W Residential Waterway Zone
- 21.24 RD-M Residential Density – Multiple Zone
- 21.25 C-F Community Facilities Zone
- 21.26 C-1 Neighborhood Commercial Zone
- 21.27 O Office Zone
- 21.28 C-2 General Commercial Zone
- 21.29 C-T Commercial Tourist Zone
- 21.30 C-M Heavy Commercial – Limited Industrial Zone
- 21.31 **C-L Local Shopping Center Zone**
- 21.32 M Industrial Zone
- 21.33 O-S Open Space Zone
- 21.34 P-M Planned Industrial Zone
- 21.35 V-R Village Redevelopment Zone
- 21.36 P-U Public Utility Zone
- 21.37 RMHP Residential Mobile Home Park Zone
- 21.38 P-C Planned Community Zone
- 21.39 L-C Limited Control Zone

Ex. 2

- 1 21.40 S-P Scenic Preservation Overlay Zone
- 2 21.41 Sign Ordinance
- 3 21.42 Conditional Uses'
- 4 21.43 Adult Entertainment
- 5 21.44 Parking
- 6 21.45 Planned Developments
- 7 21.46 Yards
- 8 21.49 Nonresidential Planned Development
- 9 21.50 Variances – Conditional Use Permits
- 10 21.51 Administrative Variances
- 11 21.52 Amendments
- 12 21.53 Uses Generally
- 13 21.54 Procedures, Hearings, Notices and Fees
- 14 21.55 Dedications of Land and Fee for School Facilities
- 15 21.56 Interpretation
- 16 21.58 Revocation – Expiration
- 17 21.60 Permits – License Enforcement
- 18 21.61 Judicial Review of Zoning Decisions and Time Limitation
- 19 21.62 Violations
- 20 21.70 Development Agreements
- 21 21.80 Coastal Development Permits
- 22 21.81 Coastal Development Permits – Village Redevelopment Area
- 23 21.82 Beach Area Overlay (BOA) Zone
- 24 21.83 Child Care
- 25 21.84 Housing For Senior Citizens
- 26 21.85 Inclusionary Housing
- 27 21.86 Residential Density Bonus or In-Lieu Incentives
- 28 21.90 Growth Management
- 21.95 Hillside Development Regulations
- 21.100 T-C Transportation Corridor
- 21.105 Recycling Facilities and Recycling Areas
- 21.110 Floodplain Management Regulations
- 21.201 Coastal Development Permit Procedures
- 21.202 Coastal Agriculture Overlay Zone
- 21.203 Coastal Resource Protection Overlay Zone
- 21.204 Coastal Shoreline Development Overlay Zone
- 21.205 Coastal Resources Overlay Zone Mello I LCP Segment
- 21.208 Commercial/Visitor Overlay Zone"

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

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 1st day of June, 2005, and thereafter.

Ex. 2



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PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
Carlsbad on the 1st day of June, 2005, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CLAUDE A. LEWIS, Mayor

ATTEST:

\_\_\_\_\_  
LORRAINE M. WOOD, City Clerk

(SEAL)

Ex. 2