

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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October 20, 2009

Th27b

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

**SUBJECT: CITY OF CARLSBAD DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT #3-09 (Village Master Plan and Design Manual/Redevelopment
Plan) for Commission review at its meeting of November 5, 2009**

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

PROPOSED AMENDMENT

The City of Carlsbad has submitted an LCP amendment package which includes revisions to allow for minor headings/language revisions to incorporate relevant information for the expired Village Redevelopment Plan into the Village Master Plan and Design Manual and to clarify various provisions and amendments to the Carlsbad Municipal Zone Code Chapters 21.35, 21.41 and 21.81 and the General Plan to address the same minor headings/language revisions.

In July, 1981, the City of Carlsbad adopted the Village Redevelopment Plan to create a Village Redevelopment Project Area for the then-blighted downtown area (Village Area) of Carlsbad. The City Council adopted the Village Area as a redevelopment project under California State Law which used resources for redevelopment purposes. On July 21, 2009, the effectiveness date for the redevelopment plan expired. The Village Redevelopment Area experienced considerable success resulting in several overall improvements in economic viability and aesthetics including, but not limited to: reduction of commercial vacancy rates from over 50% in 1981 to less than 5% at present; new development; new businesses and restaurants; improvements in visual attractiveness

of the area; and, improvements in public infrastructure, etc. Even though the redevelopment plan expired on July 21, 2009, the City Council and community expressed its desire to provide for a “seamless transition” of land use regulation and related actions to continue revitalization efforts for the Village Area through unique review/regulations.

As a result, the City is proposing to continue the existing zoning and land use designations for the Village Area as well as existing development standards. One change that is proposed is to eliminate the Design Review Board and to allow the Planning Commission to take action on minor land use permits and appeals of Director decisions and to review and to make recommendations as appropriate on major land use permits for the Village Review Area. The Village Master Plan and Design Manual was originally adopted by the Housing and Redevelopment Commission and the Commission has had the authority for redevelopment plan implementation, including jurisdiction over the issuance of land use entitlements and related actions for properties within the Village Area. Jurisdiction will be transferred to the City Council over land use entitlements within the Village Area as set forth in the Village Master Plan and Design Manual and implementing ordinances.

The Carlsbad Village Redevelopment Plan along with the Village Design Manual, comprise the Land Use Plan for the Carlsbad Village Redevelopment Plan Area which is part of the City of Carlsbad’s certified LCP. Altogether, the City’s LCP contains six separate segments of which the Carlsbad Village Redevelopment Plan and Design Manual is a part. The Carlsbad Village Master Plan Area contains about 90 acres of which approximately half is within the coastal zone. In general, the Village Area is geographically bounded by Carlsbad Boulevard (Highway 101) and Garfield Street to the west, Buena Vista Lagoon to the north, I-5 to the east, and Walnut Avenue to the south. The western boundary of the plan area is only approximately one block inland of the ocean and the first public roadway, Ocean Street. One block southwest of Carlsbad Village Drive is Carlsbad State Beach.

The City Council resolutions that approve and convey the proposed de minimis LCP amendment are attached. The amendment was properly noticed through newspaper publication and direct mail and there are no known interested parties. The amendment request (LCPA #3-09) was received in the Commission office on September 3, 2009.

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

DISCUSSION

In summary, the revisions to the Village Master Plan and Design Manual largely include removal of the word “Redevelopment” and replacement with the word “Review” such that citations in various plan documents refer to “Village Review Area”. In addition, language is being incorporated that indicates the Village Master Plan and Design Manual together with other related codes and policies also serve as the Local Coastal Program for

the Village segment of the Carlsbad coastal zone. Likewise, revisions are proposed to the zoning/land use designation label for the V-R zone from “Village Redevelopment” to “Village Review” and to land use permit labels for RP from “Redevelopment Permit” to “Village Review Permit”. In addition, similar revisions are also proposed to Chapters 21.35 for the V-R zone, Chapter 21.41 addressing the Sign Ordinance and Chapter 21.81 for Coastal Development Permits – Village Area. Other specific changes include revisions to Chapter 2.24 (Design Review Board) and Chapter 2.26 (Planning Commission) to make it clear that the Planning Commission will assume responsibility for review and action on minor and major land use permits and applicable appeals for the Village Area as set forth in the Village Master Plan and Design Manual.

The only change to the General Plan is the removal of the words “redevelopment project area” and replacement of the references to “Village Master Plan” and “Village Design Guidelines Manual” with “Village Master Plan and Design Manual” to update the correct references that have been in operation for some time.

The proposed revisions will not result in any substantial changes in policy or procedures. The action to be taken at this time is to allow for changes to the headings in the plan documents and consolidation only, which includes document reference revisions and integration of relevant language from the Village Redevelopment Plan and language clarifications to maintain a special review focus for the area. The changes reflect retitling and identification of the new organizational structure having the Planning Commission assume the responsibilities of the Design Review Board and the City Council replacing the Housing and Redevelopment Commission. No construction or development is involved with the proposed amendment.

There are no proposed changes to permitted land uses, existing land use designations, land use districts or existing zoning. There are no proposed revisions to development standards, design guidelines, signage, parking program or circulation provisions. Development proposals within the Coastal Zone will continue to require a coastal development permit and be required to comply with all the applicable provisions of the certified LCP for the Village Area; no changes to the coastal development review process or appeals procedures are herein proposed other than the designated review body. Inasmuch as the proposed de minimis changes do not change land uses or have any potential for impacts to coastal resources, the amendment is adequate to carry out the certified land use plan. All of the proposed de minimis modifications are consistent with Chapter 3 of the Coastal Act.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the

EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

DETERMINATION

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

MOTION:

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

STAFF RECOMMENDATION:

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

LEGISLATIVE DRAFT

Chapter 2.24 PLANNING COMMISSION*

2.24.010 Created.

2.24.020 Composition--Appointment.

2.24.030 Absence from meetings.

2.24.040 Regular and adjourned meetings.*

2.24.050 Officers--Rule adoption--Records.

2.24.060 Duties.

2.24.065 General plan conformance--Time for or waiver of report.

2.24.070 Quorum and vote.

2.24.080 Design review board designated as planning commission for certain purposes.

* For statutory provisions directing the establishment of a planning agency and as to local planning generally, see Gov. Code § 65100 et seq.

2.24.010 Created.

Under and pursuant to an act of the legislature of the state, known as the "conservation and planning law," a planning commission for the city is created and established. (Ord. 1020 § 1)

2.24.020 Composition--Appointment.


The planning commission shall consist of seven members to be appointed by a majority vote of the council, and of four ex officio members who shall be the community development director, the city engineer, the city attorney and the planning director. Of the seven members of the commission first appointed under this chapter, two shall be appointed for one-year terms, two shall be appointed for three-year terms, and one shall be appointed for a four-year term. Their successors shall be appointed for terms of four years. If a vacancy occurs otherwise than by expiration of term, it shall be filled by appointment by a majority vote of the council for the unexpired portion of the term of the member so vacating. The terms of ex officio members shall correspond to their respective official tenures. No ex officio member shall be entitled to a vote. Each member shall hold office until he is reappointed or his successor is appointed. (Ord. NS-676 §§ 1 (part), 2 (part), 2003; Ord. 1256 § 1, 1982; Ord. 1200 § 1, 1977; Ord. 1157 § 1, 1973; Ord. 1020 § 2)

2.24.030 Absence from meetings.

If a member of the planning commission is absent from three successive meetings of the commission without cause, the planning director shall inform the mayor of such absence, who may therewith remove

EXHIBIT #1

Chapter 2.24 - Revisions

 **LCPA #3-09 Village Master Plan & Design
Manual/Redevelopment Plan**
California Coastal Commission

the member from the commission without further notice. (Ord. NS-676 § 2 (part), 2003; Ord. 1261 § 2, 1983; Ord. 1020 § 3)

2.24.040 Regular and adjourned meetings.*

A regular meeting shall be held at least once a month, or more often if the planning commission may by rule adopt. Any meeting held pursuant to rule of the planning commission, or any special meeting advertised as a public hearing, shall be deemed a regular meeting. The commission may adjourn any regular meeting from time to time to meet at a time and place specified at the regular meeting and any such adjourned meeting shall be deemed to be a regular meeting. (Ord. 1020 § 4)

* For provisions on attendance of city manager at commission meetings, see § 2.12.125 of this code.

2.24.050 Officers--Rule adoption--Records.

The planning commission shall elect from among its appointed members a chairman and vice-chairman to serve for a term of one year. It shall adopt rules for the transaction of business and shall keep a record of the resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 1157 § 2, 1973; Ord. 1020 § 5)

2.24.060 Duties.

In addition to the duties specified by this chapter, the planning commission shall perform the duties and have all the rights, powers and privileges specified and provided for by city or state law. For the village review area, the planning commission shall be responsible for the administration of, and shall carry out the duties specified in Chapter 21.35 and 21.81. (Ord. 9424 § 1, 1975; Ord. 1020 § 6)

2.24.065 General plan conformance--Time for or waiver of report.

(a) The planning commission shall report as to conformity to the general plan as required pursuant to Section 65402 of the Government Code. When such report is required as the result of a proposed division of land or some other project for which planning commission action is required, it may be included as part of and at the same time as the action taken by the planning commission on such proposed division of land or other project.

(b) Pursuant to subdivision (a) of Section 65402 of the Government Code, a report as to conformity to the general plan is not required for a proposed subdivision or other project which involves (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions or abandonments for street widening, or alignment projects are of a minor nature. (Ord. 9424 § 2, 1975)

2.24.070 Quorum and vote.

(a) Four members of the planning commission shall constitute a quorum for the transaction of business.

(b) Except when otherwise provided by law, a majority vote of the quorum shall be required for any planning commission action, provided that a recommendation for approval of a general plan amendment shall be made by at least four affirmative votes.

(c) Tie votes shall constitute "no action," and the matter voted upon remains before the commission and is subject to further commission consideration. If the commission is unable to take action on a matter before it because of a tie vote, the matter shall be again considered at the next regular commission meeting. If the matter receives a tie vote at the subsequent meeting, the matter shall be deemed denied.

(d) Every commissioner should vote unless disqualified by reason of conflict of interest. A commissioner who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon. (Ord. NS-135 § 1, 1991; Ord. 1247 § 1, 1982; Ord. 1244 § 1, 1982; Ord. 1159 § 1, 1973)

~~2.24.080 Design review board designated as planning commission for certain purposes.~~

~~Whenever in Title 20 or Title 21 it is provided that an action or a decision on a project, permit, or tentative map shall be taken or made by the planning commission and such permit or project is processed according to Chapter 21.35 and consolidated in the redevelopment permit under Section 21.35.120, then the design review board shall act as the planning commission with respect to such project, permit or map. (Ord. NS-863 § 1, 2007; Ord. NS-330 § 1, 1995; Ord. 1254 § 2, 1982)~~

Chapter 21.41 SIGN ORDINANCE

SEP 03 2009

21.41.010 Applicability.

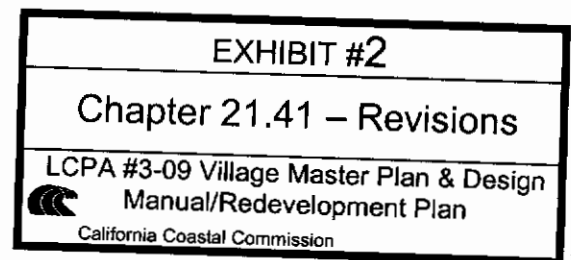
21.41.010 Applicability.

The provisions of this chapter shall apply generally to all zones established by this title. Properties and uses in the village ~~redevelopment~~ review (VR) zone are regulated first by the sign standards of the Carlsbad village ~~redevelopment~~ master plan and design manual, and then, to the extent not covered by said master plan and design manual, by the provisions of this chapter. Signs on public property, both within the village ~~redevelopment zone~~ review zone and other zones, are controlled by city council policy.

In those areas of the city where master plan or specific plan sign standards or sign programs were adopted by ordinance as special zoning regulations, those sign standards or sign programs shall apply; however, the "substitution" provisions of this chapter, section 21.41.025(2), shall apply to such programs and plans.

All other sign programs that were approved prior to the effective date of this chapter, but not by ordinance, are subject only to the "substitution" provisions of this chapter (section 21.41.025(2)), except that if any such sign program is proposed for amendment to increase overall sign area allowed, then the sign program must be amended to conform with all development and design standards of this chapter.

Except as noted in the preceding paragraph, a sign, as defined in this chapter, may be affixed, erected, constructed, placed, established, mounted, created or maintained only in conformance with the standards, procedures and other requirements of this chapter. The standards regarding number and size of signs regulated by this chapter are maximum standards, unless otherwise stated. (Ord. NS-606 § 1 (part), 2001)



CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

Page 2 of 9

Policy No.	65
Date of Issue:	
Effective Date	
Cancellation Date	
Supersedes No.	65, dated 7/22/03

General Subject: Signs on Public Property

Specific Subject:

SEP 03 2009

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads,
Employee Bulletin Boards, Press, File

SECTION FIVE: PUBLIC PROPERTY SIGN PERMITS; APPLICATION FORMS AND PROCEDURES

The Community Development Director shall prepare and make available to the public a form for Application for a Public Property Sign Permit (Permit), which shall, when fully approved, constitute a Permit and indicate the City's consent, in its proprietary capacity, for placement of a sign. The applicant for the permit must be the same person or entity who is to be the owner of the sign. The processing fee for each application, which shall not be refundable even if the application is denied, shall be the same as the fee for a sign permit under the sign ordinance. To each application form shall be attached a copy of this Policy Statement. The application form shall require the applicant to indicate that he or she has received a copy of this Policy Statement, and that they shall abide by its terms, as well as any special terms or conditions which may be stated on the Permit, and to abide by any new or different conditions which may be imposed on all permittees who are similarly situated.

Any Public Property Sign Permit issued in error may be summarily revoked by any officer of the City, by simply informing the applicant of the nature of the error in issuance; any applicant whose permit is revoked as issued in error may, at any time thereafter, submit a new permit application which cures any deficiencies in the original application. The application fee shall apply separately to each new application. Applications which fully comply with the terms and conditions of this Policy Statement shall be duly issued. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as denials of sign permits, as described in the Sign Ordinance.

SECTION SIX: EXEMPTIONS FROM PERMIT REQUIREMENT

The following signs are exempted from the Permit requirement: Traffic control and traffic directional signs erected by the City or another governmental unit; official notices required by law; signs placed by the City in furtherance of its governmental functions; signs allowable under Section Four of this Policy.

SECTION SEVEN: PERMITS FOR A-FRAME SIGNS IN CARLSBAD VILLAGE REDEVELOPMENT REVIEW AREA, BEARING COMMERCIAL MESSAGES ONLY

1. INTENT AS TO PUBLIC FORUM

The areas and times controlled by this section are designated to constitute a limited access, non public forum which is strictly limited to commercial messages, and which is open only to those persons described in this section and on the terms stated in this section.

2. WHERE A-FRAMES MAY BE PLACED; PHYSICAL STANDARDS

"A-Frame" signs, as that term is defined in the sign ordinance, may be placed in particular portions of the public right-of-way, within the Carlsbad Village area only, namely, on the public sidewalk directly in front of the store or other establishment displaying the sign.

CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

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Policy No.	65
Date Issue	
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Supersedes No.	65, dated 7/22/03

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads,
Employee Bulletin Boards, Press, File

3. WHO MAY DISPLAY AN A-FRAME SIGN IN THE VILLAGE REDEVELOPMENT REVIEW AREA

The A-Frame Signs allowed by this section may be displayed only by the operators of retail commercial establishments with ground floor frontage on streets within the Village Redevelopment Zone, who hold a currently valid City business license, who are not currently in violation of, or nonconformance with, any of the zoning, land use, environmental or business regulatory laws, rules or policies of the City.

Each eligible business location is allowed a maximum of one A-Frame sign. However, when a business is located within a business arcade or courtyard area, in which case only one "tenant directory" sign, which lists all of the businesses within the arcade or courtyard, is allowed. The display area of the permitted A-Frame sign shall not count as part of the total signage for the business, which is allowed under the Sign Ordinance.

4. TRANSFER OF PERMIT

The Permit attaches to the business at the location specified. If the business is sold or transferred, and remains at the same location, then the Permit shall automatically transfer to the new owner or transferee, who shall be bound to the terms and conditions of the original Permit. However, if the business which first obtained the Permit moves to a different location, or if the location is then taken by a new business, a new application and Permit shall be required.

5. TERM OF CONSENT INDICATED BY PERMIT; REVOCATION AND RENEWAL

The Permit is revocable or cancelable at will by the City. However, the City will cancel a Permit without cause only when it does so to all permittees who are similarly situated. Any Permit may be revoked for noncompliance, 30 calendar days after notice of noncompliance remains uncured, or in the case of a noncompliance condition which constitutes a threat to the public health, safety or welfare, summarily. When a Permit is revoked, the owner of the sign must physically remove it from the public right of way within 24 hours of notice of revocation; upon failure to do so, the City may summarily remove the sign and hold it in storage until all costs of removal and storage are paid by the sign owner, upon which condition the sign shall then be returned to its owner. There is no guarantee that the City will continue the policy stated herein. Permittees hold no expectation of renewal of any given Permit, acquire no vested right to continue displaying the sign on public land, and waive all claims of inverse condemnation (uncompensated taking of private property) as to the permitted sign, when they submit the original application.

6. TEMPORARY REMOVAL

The City may give notice, by any reasonable means, that consent to display an A-frame sign shall be withdrawn temporarily so as to serve a more urgent or more important public need, such as, without limitation, dealing with a natural disaster, a traffic emergency, a temporary need to make more space available on the public right-of-way, a civil disturbance, a parade, an election, or other special event. In urgent situations, the

Land Use Element

2. VILLAGE

The Village is, located in the "downtown" section of Carlsbad, ~~has been established as a redevelopment project area. A Redevelopment Master Plan and Design with Implementing Strategies along with the present Village Design Guidelines Manual guides all~~ development in the Village. ~~These~~ This documents provides an overall development strategy to create a strong identity for the Village, revitalize the area, enhance the economic potential of the Village and establish specific site development standards. The intent of the master plan and design manual is to preserve the village character of the area by creating a pedestrian scale environment of specialty shops, services, and restaurants complemented by residential and mixed-use development. The Redevelopment Master Plan and Design Manual should be referred to for more detailed information. Additional redevelopment project areas may be established in other areas of the City in the future.

3. COASTAL ZONE PROGRAMS

In 1972, California voters approved Proposition 20 which led to the enactment of the State law (California Coastal Act of 1976) which regulates any development within California's Coastal Zone. The Coastal Act requires that individual jurisdictions adopt Local Coastal Programs (LCP) to implement the State law at a local level. Carlsbad's Local Coastal Program is consistent with the General Plan, but it is a separate document containing separate land use policies and implementation measures which must also be complied with in addition to the General plan. Approximately one-third of the City is located within the Coastal Zone. The City's coastal zone has been divided into six segments and each segment is regulated by separate LCP's (See Map 4: Local Coastal Program Boundary). The boundaries of the City's Coastal Zone which were established by the State are depicted on the Land Use Map.

Almost every conceivable type of development proposal within the Coastal Zone from removal of natural vegetation to the construction of huge master planned communities requires the approval of a Coastal Development Permit (CDP) in addition to any other permits or entitlements. The land use policies, programs and regulations of the relevant LCP shall be

referred to in addition to the General Plan, the Municipal Code and other pertinent regulations for guiding land use and development within the Coastal Zone. Although the City has adopted LCP segments for all of its Coastal Zone, it only has authority to issue Coastal Development Permits within the Redevelopment segment. In the remaining five segments the California Coastal Commission currently retains Coastal Development Permit authority. Carlsbad is actively pursuing the lengthy task of effectively implementing the five LCP segments in order to transfer permit authority to the City.

In those circumstances where an issue is not addressed by the Local Coastal Program Land Use Plan, but is addressed by the City of Carlsbad General Plan, no coastal development permit, or exemption may be granted unless the project considered is found by the appropriate authority to be consistent with the City of Carlsbad General Plan. In those circumstances where an issue is addressed by both the Local Coastal Program Land Use Plan and the City of Carlsbad General Plan, the terms of the Local Coastal Program Land Use Plan shall prevail.

4. McCLELLAN-PALOMAR AIRPORT

McClellan-Palomar Airport, a county-owned facility, is regulated by the *Comprehensive Land Use Plan, McClellan-Palomar (CLUP)* prepared by the San Diego Association of Governments (SANDAG). This is a state-required, long-range master plan, updated every five years, that reflects the anticipated growth of the airport over at least the next 20 years. The intent is "to provide for the orderly growth of each public airport and ... [to] safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general" (Section 21675, Public Utility Code). As required by State law, Carlsbad's General Plan must comply with the Airport's Comprehensive Land Use Plan. If the City chooses to overrule a finding of the Airport Land Use Commission as stated in the CLUP, it may do so by a two-thirds vote if it makes a specific finding that the General Plan and the CLUP are consistent.

To limit noise impacts on noise sensitive land uses, the City has designated areas surrounding the Airport for predominately planned industrial uses. To accomplish this, a significant amount of

**Chapter 21.81 COASTAL DEVELOPMENT PERMITS--VILLAGE REDEVELOPMENT
REVIEW ZONE**

21.81.010 Definitions.

21.81.020 Permit required.

21.81.030 Development exempt from coastal development permit procedures.

21.81.035 Repair and maintenance activities requiring a coastal development permit.

21.81.040 Application.

21.81.050 Duties of housing and redevelopment director--Exemptions--Emergency permits.

21.81.055 Administrative coastal development permits.

21.81.060 Transmittal to ~~design review board~~ Planning Commission.

21.81.070 ~~Design review board~~ Planning commission action.

21.81.080 Effective date of order--~~Appeal of design review board~~ Planning Commission decision.

21.81.090 ~~Housing and redevelopment commission~~ City council action.

21.81.100 Public hearings.

21.81.110 Appeals to coastal commission.

21.81.115 Coastal development permits issued by the Coastal Commission.

21.81.120 Notice of final local action.

21.81.130 Effective date of permit.

21.81.140 Review of recorded documents.

21.81.150 Applications for emergency permits.

21.81.160 Expiration of coastal permits.

21.81.165 Amendment to coastal development permit.

21.81.010 Definitions.

(a) Coastal Zone. "Coastal zone" means that portion of the Carlsbad coastal zone located within the area of the city described ~~on~~ in the Carlsbad village master plan and design manual and shown on the map entitled Carlsbad Village segment of Carlsbad Coastal Zone dated _____ and on file in the offices of Housing and Redevelopment and City Clerk. ~~area redevelopment plan as~~

EXHIBIT #3

Chapter 21.81 - Revisions

LCPA #3-09 Village Master Plan & Design
Manual/Redevelopment Plan
California Coastal Commission

~~adopted by the city of Carlsbad Ordinance No. 9591 and shown on the map entitled village redevelopment area segment of the Carlsbad coastal zone dated December 19, 1983 and on file in the planning department.~~

(b) Coastal Commission. "Coastal Commission" means the California Coastal Commission.

(c) Development. "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the subdivision map act and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of private, public or municipal utility, and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electric power transmission and distribution line.

(d) Major Energy Facility. "Major energy facility" means any energy facility as defined by Public Resources Code Section 30107 and exceeding one hundred thousand dollars in estimated cost of construction.

(e) Major Public Works Project. "Major public works project" means any public works project as defined by Title 14 California Code of Regulations Section 13012 and exceeding one hundred thousand dollars in estimated cost of construction. (Amended during 2-04 supplement; Ord. NS-675 §§ 78 (part), 2003; Ord. NS-330 § 6 (part), 1995)

21.81.020 Permit required.

Unless a development is exempt from coastal development permit procedures pursuant to Section 21.81.030, no development shall occur in the coastal zone without a permit having first been issued according to the provisions of this chapter. (Ord. NS-330 § 6 (part), 1995)

21.81.030 Development exempt from coastal development permit procedures.

(a) Categorical Exclusions.

(1) A permit issued for a development which is categorically excluded from the coastal development permit requirements pursuant to California Public Resources Code Section 30610, shall be exempt from the requirement of this chapter.

(2) The city council may designate by resolution, after a public hearing, categories of development which have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast. Development which has been so designated shall be categorically exempt from the provisions of this chapter. The designation of any categorical exemption shall not be effective until the exemption has been approved by the Coastal Commission. The housing and redevelopment director and planning director shall keep a record of all permits issued for categorically exempt projects as specified in subsection (a)(1) of this section.

(b) Exempt Projects. In addition to those projects categorically excluded pursuant to subsection (a), the following projects are exempt from the requirements of a coastal development permit:

(1) Improvements to existing single-family residential building except:

(A) On a beach, wetland or seaward of the mean high tide line where the residence or proposed improvement would encroach within fifty feet of the edge of a coastal bluff;

(B) On property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an

increase of ten percent or more of internal floor area of an existing structure or an additional improvement of ten percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 10610(a), or an increase in height by more than ten percent of an existing structure and/or any significant nonattached structure such as garages, fences, shoreline protective works or docks;

(C) Any significant alteration of land forms including removal or replacement of vegetation on a beach, wetland, or sand dune, or within fifty feet of the edge of a coastal bluff except as provided in subsection (b)(3) of this section.

For the purposes of this section an existing single-family residential building shall include all appurtenances and other accessory structures, including decks, directly attached to the residence; accessory structures or improvements on the property normally associated with residences, such as garages, swimming pools, fences, storage sheds but not including guest houses or self-contained residential units; landscaping on the lot.

(2) Improvements to existing structures other than a single-family residence or public works facility except:

(A) On a beach, wetland, stream or lake; seaward of the mean high tide line; where the structure or improvement would encroach within fifty feet of the edge of the coastal bluff;

(B) On property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, any improvement that would result in an increase of ten percent or more of internal floor area of an existing structure or an additional improvement of ten percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 10610(a), or an increase in height by more than ten percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks;

(C) Any improvement which changes the intensity of use of a structure; and

(D) Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within one hundred feet of the edge of a coastal bluff or stream except as provided in subsection (b)(3) of this section.

(3) The following improvements are exempt from the requirements of a coastal permit regardless of location:

(A) Landscaping on the lot unless the landscaping could result in erosion or damage to sensitive habitat areas;

(B) Additions resulting in a cumulative increase of less than ten percent of the internal floor area of an existing structure;

(C) Repair or maintenance activities not described in Section 21.81.035;

(D) Activities of public utilities as specified in the repair, maintenance and utility hook-up exclusion adopted by the Coastal Commission, September 5, 1978, and as modified from time to time.

(Ord. NS-330 § 6 (part), 1995)

21.81.035 Repair and maintenance activities requiring a coastal development permit.

(a) The following repair and maintenance activities require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(C) The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind; or

(D) The presence, whether temporary or permanent, of mechanized construction equipment or

construction materials on any sandy area or bluff or within twenty feet of coastal waters or streams.

(2) Any method of routine maintenance dredging that involves:

(A) The dredging of one hundred thousand cubic yards or more within a twelve-month period;

(B) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive area, or within twenty feet of coastal waters or streams; or

(C) The removal, sale or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials. All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the California Coastal Act of 1976, including, but not limited to, the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to those activities specifically described in the document entitled repair, maintenance, and utility hook-ups, adopted by the Coastal Commission on September 5, 1978.

(b) Unless destroyed by natural disaster, the replacement of fifty percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit. (Ord. NS-330 § 6 (part), 1995)

21.81.040 Application.

Application for a coastal development permit shall be made in accordance with the procedures set forth in this section.

(a) An application for a permit may be made by the record owner or owners of the property affected or the authorized agent of the owner or owners. The application shall be filed with the director upon forms provided by the director and shall be processed in accordance with Section 21.54.010 of this code.

(b) At the time of filing the application the applicant shall pay a processing fee in an amount specified by city council resolution.

(c) If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the ~~design review board~~ planning commission and the ~~housing and redevelopment commission~~ city council.

The application shall be accompanied by a fee in the amount established by city council resolution. No application shall be accepted or deemed accepted until the appropriate fee or fees have been paid.

(d) Whenever the development would require a permit or approval under the provisions of this title, notwithstanding this chapter, the application shall include sufficient information to allow review of such permit or approval. Application for all permits or approvals under this title and the coastal permit may be consolidated into one application.

(e) The director may require that the application contain a description of the feasible alternatives to the development or mitigation measures which will be incorporated into the development to

substantially lessen any significant effect on the environment which may be caused by the development. (Ord. NS-330 § 6 (part), 1995)

21.81.050 Duties of housing and redevelopment director--Exemptions--Emergency permits.

(a) After the application has been accepted as complete the director shall determine if the project is exempt from the requirements of this chapter pursuant to Section 21.81.030. No permit shall be required for a project which is exempt from the requirements of this chapter.

The director shall maintain a record of all determinations made on projects exempt from the requirements of this chapter. The records shall include the applicant's name, an indication that the project is located in the coastal zone, the location of the project, and a brief description of the project. The record shall also include the reason for exemption.

The director shall determine the exemption based on the certified local coastal program, including maps, categorical exclusions and other exemptions, land use designations and zoning ordinances.

The director shall inform the applicant whether the project is exempt (and whether in the "appealable area," if not exempt) within ten calendar days of the determination that the application is complete. The written notice to the applicant shall include advice that, if dissatisfied with the determination, the applicant (or director) can request the opinion of the Coastal Commission's executive director in accordance with 14 Code of California Regulations Section 13569.

(b) The director may issue emergency permits in accordance with Section 21.81.150. (Ord. NS-330 § 6 (part), 1995)

21.81.055 Administrative coastal development permits.

(a) The director may issue all coastal development permits related to administrative ~~redemption-village review~~ redemption-village review permits and administrative variances as defined in Sections 21.35.070 and 21.35.090(e) of this code. The coastal development permit shall be processed concurrently with the administrative ~~redemption-village review~~ redemption-village review permit. If the project includes permits or other discretionary approvals outside the director's administrative permit authority, the administrative permit aspects shall be consolidated with the other matters and submitted to the ~~design-review board~~ planning commission in accordance with Section 21.81.060.

(b) If the project is in the nonappealable area of the coastal zone, the director shall give notice of pending development approval in writing, within ten calendar days after the application is complete, as follows:

(1) Contents. The notice shall include all the matters required by 14 Code of California Regulations Section 13568 (b), including statement of a public comment period of at least ten calendar days sufficient to receive and consider comments submitted by mail prior to the date established for the decision.

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

- (A) Any person requesting to be on the mailing list for the project or for coastal decisions; and
- (B) All property owners and residents within one hundred feet of the project perimeter; and
- (C) The Coastal Commission.

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

(d) The director's decision shall be the final local action and shall be made in writing. The date of the decision shall be the date the writing containing the decision or determination is mailed or otherwise delivered to the person or persons affected by the decision or determination. The director shall give notice of the final local decision in accordance with Section 21.81.120 of this code.

(e) The effective date of the director's decision and the method for appeal of such decision shall

be governed by Section 21.54.140 of this code. The director shall give notice of final local decision on the appeal in accordance with Section 21.81.120.

(f) If the project is within the appealable area of the coastal zone, the director shall give notice of a public hearing to be held before the director to consider said application in accordance with Section 21.81.100. The notice shall contain the matters and be mailed at the time and in the manner required by 14 CCR Section 13565. The director shall conduct the public hearing generally in the same manner as a public hearing before the design-review-boardplanning commission.

Following the public hearing before the director, the director shall issue a written notice of the decision in the same manner and to the same persons as for a nonappealable area decision set forth in subsections (c) and (d) of this section. The director's decision may be appealed in writing to the design-review-boardplanning commission in the same manner as for nonappealable area decision set forth in subsection (e) of this section. The director shall give notice of the final local decision in accordance with Section 21.81.120.

(g) If the project does not qualify for an exemption, an administrative permit or an emergency permit then the director shall set the matter for a public hearing before the design-review-boardplanning commission. The coastal permit may be set for hearing concurrently with any other discretionary permit or approval for the project. (Ord. NS-675 § 66, 2003; Ord. NS-330 § 6 (part), 1995)

21.81.060 Transmittal to design-review-boardplanning commission.

Unless the development is exempt, qualifies for an emergency permit, or qualifies for an administrative ~~redemption~~village review/coastal development permit, the director shall transmit the application, together with a recommendation thereon, to the design-review-boardplanning commission and give notice for public hearing thereon in accordance with Sections 21.54.060(1), 21.54.061, and, if applicable, 21.54.070 when all necessary reports and processes have been completed. An application for a coastal permit may be considered in conjunction with any other discretionary permit or approval required for the project. (Ord. NS-330 § 6 (part), 1995)

21.81.070 Design-review-boardPlanning commission action.

After a public hearing the design-review-board-planning commission may approve, conditionally approve or deny the application, unless the application includes a major ~~redemption~~village review permit. If the application includes a major village review ~~redemption~~ permit, the ~~board's~~ commission's action shall be a recommendation to the ~~housing and redevelopment commission~~city council. No recommendation for approval, approval or conditional approval shall be given unless the design-review-boardplanning commission finds that the development is consistent with the provisions of the local coastal program for the coastal zone and, if applicable, in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. (Ord. NS-330 § 6 (part), 1995)

21.81.080 Effective date of order--Appeal of design-review-boardplanning commission decision.

- (a) The effective date of the design-review-board'splanning commission's decision and the method for appeal of such decision shall be governed by Section 21.54.150 of this code.
- (b) The decision of the ~~housing and redevelopment commission~~city council shall be consistent with the provisions of this chapter and shall be supported by appropriate findings.
- (c) If the development for which a coastal development permit also requires other discretionary permits or approvals for which the design-review-boardplanning commission is not given final approval authority, then the design-review-boardplanning commission action on the coastal development permit shall be deemed a recommendation to the ~~housing and redevelopment~~

~~commission~~city council. (Ord. NS-675 § 67, 2003; Ord. NS-506 § VIII, 1999; Ord. NS-330 § 6 (part), 1995)

21.81.090 ~~Housing and redevelopment commission~~City Council action.

If the application for the coastal development permit is for a major ~~redevelopment~~village review/coastal development, is consolidated with other discretionary permits or approvals, pursuant to this code for which the ~~design review board~~planning commission does not have final approval authority, or is a timely appeal, the ~~housing and redevelopment commission~~city council shall hold a public hearing on the coastal development permit application. At the public hearing, the ~~housing and redevelopment commission~~city council shall consider the ~~design review board's~~planning commission's action or recommendation, shall consider the evidence presented at the public hearing, review the matter, and shall approve, conditionally approve or disapprove the coastal development permit, approval or appeal. No approval or conditional approval shall be given unless the ~~housing and redevelopment commission~~city council finds that the development is consistent with the provisions of the Carlsbad village area ~~redevelopment plan and the village master plan~~ and design manual as certified by the Coastal Commission and which constitute the local coastal program, and, if applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act. The decision of the ~~housing and redevelopment commission~~city council is final. (Ord. NS-330 § 6 (part), 1995)

21.81.100 Public hearings.

Whenever a public hearing is required by this chapter, notice of the hearing shall be given as provided in Sections 21.54.060(1) and 21.54.061 of this code. When the hearing on a coastal development permit is consolidated with the hearing on a tentative map, notice shall satisfy the requirements of both this chapter and Title 20 of this code. (Ord. NS-330 § 6 (part), 1995)

21.81.110 Appeals to coastal commission.

(a) The following developments, due to their type or location, are within the appeal jurisdiction of the Coastal Commission. Only decisions approving a coastal development permit for these developments are appealable to the Coastal Commission, unless otherwise noted. Exhaustion of all local appeals must occur before an application may be appealed to the commission. Areas subject to appeal jurisdiction are shown on the post LCP certification map which is on file in the planning department.

(1) Developments on property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.

(2) Developments on property located within three hundred feet of the top of the seaward face of any coastal bluff, or within one hundred feet of any wetland, estuary or stream.

(3) Any decision approving or denying a development which constitutes a major public works project or a major energy facility.

(b) The appeal shall be filed at the local district office not later than twenty working days after the date of the receipt of the noticed final local action by that district office. No city permit shall be issued or deemed approved until an appeal, if any, to the Coastal Commission has been resolved.

(c) Nonappealable Development. Decisions on applications for developments which are not of the type described above are not appealable to the Coastal Commission. Decisions denying any Coastal Act permit for an appealable development described above are not appealable to the Coastal Commission with the exception of decisions on major public works projects and major energy facilities. (Ord. NS-330 § 6 (part), 1995)

21.81.115 Coastal development permits issued by the Coastal Commission.

The Coastal Commission shall have original jurisdiction for all coastal development permits for development on tidelands, submerged lands and public trust lands, whether filled or unfilled. Such lands are specified as the area of "original jurisdiction" of the Coastal Commission pursuant to Public Resources Code Section 30519(b), and are shown on the post LCP certification map which is on file in the planning department. The applicant for any project which requires a coastal development permit issued by the Coastal Commission shall obtain discretionary approvals required by this code prior to filing an application with the Coastal Commission for said coastal development permit. (Ord. NS-330 § 6 (part), 1995)

21.81.120 Notice of final local action.

Within seven working days of a final local action on an application for any coastal development, or any approval which occurs by operation of law, the director shall provide notice of the action by first class mail to the Coastal Commission and to any persons who specifically requested notice of such final action by submitting an addressed, stamped envelope to the city. Such notice shall include any conditions of approval and written findings and, if the matter is appealable to the Coastal Commission, procedures for appeal of the local action to the Coastal Commission. (Ord. NS-330 § 6 (part), 1995)

21.81.130 Effective date of permit.

Coastal development permits for projects which are not appealable to the Coastal Commission shall be valid upon the mailing of the notice of final local action unless the notice of final local action does not comply with the requirements of Section 21.81.120. Coastal development permits for projects which are appealable to the Coastal Commission shall be valid upon the expiration of twenty working days from the date of receipt at the local district office of the notice of final local action provided that the notice complies with the requirements of Section 21.81.120 and, further provided, that an appeal of the decision has not been filed with the Coastal Commission. (Ord. NS-330 § 6 (part), 1995)

21.81.140 Review of recorded documents.

(a) All coastal development permits subject to conditions that require the recordation of deed restrictions, offers to dedicate or agreements imposing restrictions on real property shall not be effective until completion of the following procedures:

- (1) The city council shall review, revise if necessary, and accept the easement or land;
- (2) The city clerk shall record the requisite legal documents;
- (3) The city clerk, upon recordation of the documents, shall forward a copy of the permit conditions, findings of approval, the legal documents pertaining to the public access and open space conditions, and a statement as to which private association, public agency or city department shall be responsible for the operation and maintenance of the accessway or open space/conservation area, to the executive director of the Coastal Commission.

(b) All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to review and approval by the executive director of the Coastal Commission.

- (1) Upon completion of permit review by the city and prior to the issuance of the permit, the city shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
- (2) The executive director of the Coastal Commission shall have fifteen working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;
- (3) The city may issue the permit upon expiration of the fifteen working day period if notification of inadequacy has not been received by the city within that time period; and

(4) If the executive director has recommended revision to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director. (Ord. NS-330 § 6 (part), 1995)

21.81.150 Applications for emergency permits.

(a) Applications in case of emergency shall be made by letter to the director or in person or by telephone, if time does not allow. Emergency means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

(b) The following information shall be included in the request:

(1) Nature of the emergency;

(2) Cause of the emergency, insofar as this can be established;

(3) Location of the emergency;

(4) The remedial, protective or preventive work required to deal with the emergency; and

(5) The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

(c) The director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows.

(d) The director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency.

(e) The director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the director finds that:

(1) An emergency exists that requires action more quickly than permitted by the procedures for administrative permits or for regular permits and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;

(2) Public comment on the proposed emergency action has been reviewed, if time allows; and

(3) The work proposed would be consistent with the requirements of the certified land use plan.

(f) The director shall report, in writing, to the ~~design review board~~ planning commission, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing. The report of the director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the director subject to the provisions of this chapter.

(g) Any request for an emergency permit within the Coastal Commission area of original jurisdiction as defined in Section 21.81.115 shall be referred to the Coastal Commission for review and issuance. (Ord. NS-330 § 6 (part), 1995)

21.81.160 Expiration of coastal permits.

A coastal development permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals, but in no event shall this period exceed five years without extension of time, if a building permit has not been issued for the project. Should the project require no permits or approvals other than a coastal development permit, the coastal development permit shall expire one year from its date of approval if a building permit has not been issued for the project during that time.

Not more than ninety or less than forty-five days prior to the expiration of a coastal development permit the permittee may apply to the ~~design review board~~planning commission for an extension of the permit. The application for an extension shall be processed pursuant to the provisions of Sections 21.81.070, 21.81.100 and 21.81.110 of this chapter. An extension shall be approved only if it is found that there has been no change of circumstances in relation to coastal resources since the original granting of the permit. If the ~~design review board~~planning commission finds that there has been a change of circumstances in relation to coastal resources since the original granting of the permit the application for the extension shall be denied or conditionally approved. The decision of the ~~design review board~~planning commission may be appealed pursuant to the provisions of Section 21.81.080. If a complete application for an extension has been timely filed, the ~~design review board~~planning commission or the ~~housing and redevelopment commission~~city council on appeal may grant the extension after the expiration date provided that the final decision is made not later than forty-five days after the expiration date. (Ord. NS-330 § 6 (part), 1995)

21.81.165 Amendment to coastal development permit.

An amendment to a coastal development permit issued by the city shall be processed in the same manner as an original application for a coastal development permit. (Ord. NS-330 § 6 (part), 1995)

Carlsbad Village Redevelopment Master Plan and Design Manual

SEP 03 2009

EXHIBIT #4

Carlsbad Village Master Plan
and Design Manual –
Revisions & Sample Excerpts

LCPA #3-09 Village Master Plan & Design
Manual/Redevelopment Plan



California Coastal Commission

INTRODUCTION

Preface

This document has been prepared to serve a variety of purposes. First, the Village Master Plan and Design Manual is the City of Carlsbad's Official Statement of design, zoning, land use, and redevelopment strategy policy for the Village Redevelopment Area; it implements the Carlsbad Village Area Redevelopment Plan which is the legal document that establishes the boundaries of the redevelopment area and sets forth the framework for redevelopment activities. Second, the Village Master Plan and Design Manual, the Carlsbad Village Area Redevelopment Plan, together with the implementing ordinances and Manual of Policies and Procedures serves as the Local Coastal Program/Plan for the Carlsbad Village Redevelopment Area segment of the Carlsbad Coastal Zone pursuant to requirements of the California Coastal Act.

~~For the purposes of this document, the term "Master Plan" shall mean a "plan which gives overall guidance for redevelopment activities within the Village Redevelopment Area."~~ The Village

~~Redevelopment Plan is basically a specific plan which implements the General Plan for the City of Carlsbad within the Village Redevelopment Area. The Village Master Plan and Design Manual document is an implementing document which further specifies the land use policy and Redevelopment Strategy for the Village.~~

~~The Village Master Plan and Design Manual sets forth the zoning and allowed land uses for the Village, which is a special review area. It also sets forth the standards and criteria by which development shall proceed in the Village Area. This document shall serve as a Master Plan for the Village Area and implements, and is consistent with, the General Plan. The General Plan references the Village Master Plan for details on development and implementation strategies with in the Village Area to meet the goals and objectives of the General Plan for the Village Area.~~

~~This document also establishes a "Vision" for the ideal future character and development of the Village Redevelopment Area and then sets forth an implementation strategy or "roadmap" for obtaining the goals identified for the area by:~~

- Providing guidance to property owners, merchants, and others interested in development or property improvements within the Village;
- Providing guidance to City Staff members in interpreting planning and zoning requirements for properties within the Village;
- Providing the Design Review Board Planning Commission with principles, standards and design guidelines which may be applied to proposed improvements within the Village; and
- Providing a strategy for continuing to implementing various programs/projects to assist in eliminating blight and revitalizing the Village Redevelopment Area.

This document is divided into three (3) general sections. Section 1 contains a brief history of the redevelopment area, a vision for the Village, goals and objectives and instructions for using the manual. Section 2 consists of Chapters 2 through 8 which make up the Village Design Manual for the Village Redevelopment Area. Section 2 consists of Chapters 2 through 8 which make up the designated land uses,

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development standards and design manual for the Village Area. This Section also focuses on parking in the Village as well as the vehicle and pedestrian circulation. This document is referenced in the Carlsbad Village Redevelopment Plan and serves as the official statement of design and land use policy for the Village. Section 3 contains the Implementation Program, or Strategy, for the redevelopment area for the next approximately ten (10) years of the Village Redevelopment Plan. The Village Design Manual (Section 2) primarily focuses on private development and public improvements related to development within the area. The Implementation Program addresses such issues as cultural activities, historic preservation, business attraction/retention and other activities which assist in the revitalization of the redevelopment area. Section 3 contains the implementation measures for the Village Area; issues such as roles and responsibilities, public improvements and financing measures are addressed.

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Effective Date of Regulations

The policies, regulations, guidelines and procedures set forth within this Village Master Plan and Design Manual are effective within the boundaries of the Village Redevelopment Area only. These policies, regulations, guidelines and procedures are not applicable within the remainder of the City limits of the City of Carlsbad.

The Housing and Redevelopment Commission and the City Council originally approved the policies, regulations, guidelines and procedures set forth within this Village Redevelopment Master Plan and Design Manual on December 5, 1995. The policies, regulations, guidelines and procedures were effective after a 30 day notice period which was January 5, 1996, in all areas of the Village Redevelopment Area, except those areas of the Village which were also located in the Coastal Zone.

The California Coastal Commission approved and certified the document as of September 12, 1996. As a result of the Coastal Commission's approval and certification of

the Village Master Plan and Design Manual, the policies, regulations, guidelines and procedures set forth within this document became fully effective in all areas of the Village, including those areas located within the Coastal Zone, as of September 12, 1996.

~~This document has been retyped, reformatted and reprinted from its original version which was fully effective on September 12, 1996. The pages were also renumbered. There, however, have been no changes in the approved content set forth within the document. The retyped, reformatted and reprinted version of this document was available for distribution as of April 2, 1998. The original version of the document remains on file for reference purposes.~~

Fully Effective Date of the Village Master Plan and Design Manual:

For properties within the Village but outside the Coastal Zone: January 12, 1996
For properties within the Village and also within the Coastal Zone: September 15, 1996

Effective Date(s) of Amendments

The Housing and Redevelopment Commission and the City Council approved amendments to the policies, regulations, guidelines and procedures set forth within this Village Master Plan and Design Manual on November 20, 2007. The policies, regulations, guidelines and procedures were effective after a 30 day notice period which was December 20, 2007, in all areas of the Village Redevelopment Area, except those areas of the Village which are located in the Coastal Zone. The California Coastal Commission approved and certified the amended document as of (add the date).

Pages within the document were renumbered as appropriate to accommodate the amendments. The document has been retyped, reformatted and reprinted, as necessary.

Fully Effective Date(s) of the amended Village Master Plan and Design Manual:

For properties within the Village but outside the Coastal Zone: (add the date) December 20, 2007
For properties within the Village and also within the Coastal Zone: (add the date)

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On July 21, 2009 the effectiveness date for the Carlsbad Village Redevelopment Plan expired. Although various redevelopment activities continue according to existing contracts, agreements, covenants and restrictions, the Plan itself expired and revisions were required to the Village Master Plan and Design Manual and related ordinances and policies as a consequence of expiration of the Redevelopment Plan. These revisions were approved by the Housing and Redevelopment Commission and City Council on (insert date). The minor amendments were certified by the California Coastal Commission on (insert date).

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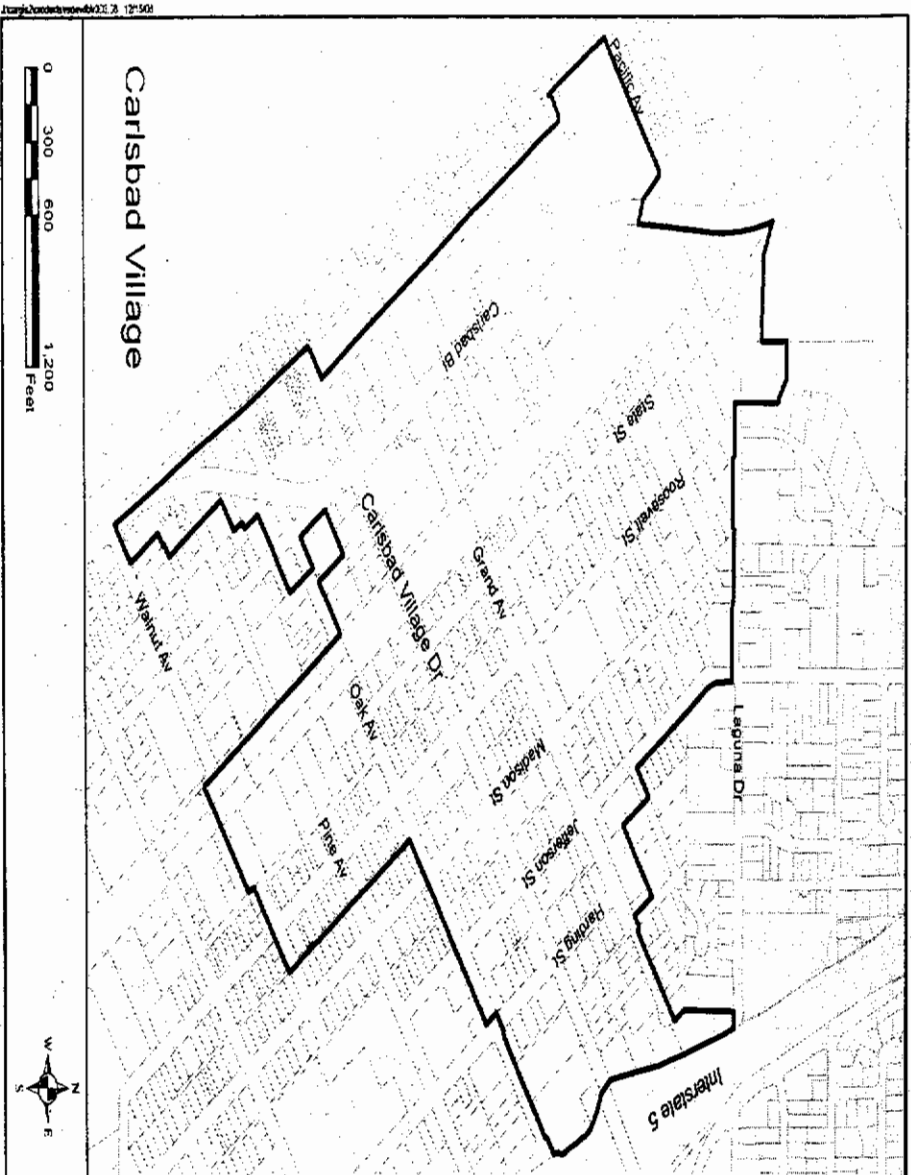
CARLSBAD VILLAGE has a colorful history reaching at least back to the 1880's when the rail line linking San Diego and Los Angeles was constructed. In the mid-1880's an underground mineral water stream was tapped by John A. Frazier and the City was later named after the European spa city of Karlsbad, Bohemia in an effort to promote the fledgling City. The Village Area experienced early days of glory with the construction of large hotels and spas, but one hundred years later, by the 1980's, was beset by problems common to many older downtowns. Buildings were in many cases seriously dilapidated, competition from modern shopping centers had sucked away much of the area's commercial vitality and the small lot sizes and patterns made new construction to current City development standards difficult and in some cases impossible.

In response to these problems, the Carlsbad Housing and Redevelopment Commission and City Council established the Village Area as a Redevelopment Project Area under California Redevelopment Law in 1981 (*Figure 1*). Using the powers granted by that law, the City proceeded to address blighted conditions within the Village. Codes were enforced, some properties were acquired, public parking lots were established, overhead utilities were undergrounded, public improvements were constructed and a host of other actions were taken with highly visible results.

Although the Village Redevelopment Plan expired in July 2009, there remains a need to focus on the revitalization of the Village Area through special review and continuation of the land use and development regulations set forth within this Village Master Plan and Design Manual. The uniqueness of the Village properties and related goals and objectives warrant continued special treatment of this Area. The Carlsbad Village Master Plan shall continue also to serve as the City's Local Coastal Plan under the California Coastal Act. A separate chapter of the City's Zoning Ordinance was prepared for the Village Area for both Special Review and Coastal Development Permits. The Redevelopment Plan and accompanying Village Design Manual were used as the basis for the City's Local Coastal Plan under the California Coastal Act and a separate chapter of the City's Zoning Ordinance was prepared for the Village Redevelopment Area.

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FIGURE 1



The boundaries of the Village Area are indicated within the above map. A legal description of the boundaries is set forth in Appendix A.

History

In 1986, a Carlsbad Redevelopment Area Economic, Circulation and Design Study was undertaken by a private consulting team to assess the progress which had been accomplished since 1981 and to set planning, design and implementation priorities for the immediate future. Those studies and the resulting public improvements served to reinforce the visions of the Village as outlined in the original Village Redevelopment Master Plan and Design Manual, which was updated in 1988.

After ten (10) years of effort in redeveloping the Village Area, the Carlsbad Redevelopment Agency decided it was time again to step back and look at the actions that had been taken to date to eliminate blight and economically enhance the downtown area. In 1992, the Agency initiated a comprehensive review/planning process to refine the vision for the downtown area, establish more appropriate land use requirements, define a supportive development scale and character, and develop a new strategy to further guide and coordinate public and private investment within the Village Redevelopment Area. The primary purpose of the comprehensive review was to establish a "vision" for what the Village would look like when the term of the Redevelopment Plan expires and then develop the "roadmap" for getting to the vision of the future downtown. It was very important for the Redevelopment Agency to take a look at "where it had been" and "where it was going."

Extensive interviews with Carlsbad residents, business people, property owners, and community leaders were conducted and public workshops were held to assist in defining problems and the future role of the Village within the City of Carlsbad. Technical studies addressing land use, circulation, parking and future economic potentials were completed by the consultant team, led by the Cannon Design Group. To assist in providing further insight into the history and future vision for the Village Area and to provide community feedback, the City Council appointed an eleven member (with 2 alternates) Master Plan Citizens Advisory Committee. The committee consisted of: one Planning Commissioner; one Traffic Safety Commissioner; two Housing and Redevelopment Advisory Committee Members; one representative of the Village Business Association; one Village Business Owner; one citizen-at-large; and, one representative from each of the four quadrants of the City. There were also two alternates assigned to the Committee which generally served as full voting members related to the various actions taken by the Committee.

The Master Plan Advisory Committee held extensive public meetings to review and comment on the consultant team's evaluation of current problems, recommended strategies and proposed land use, parking and design regulations. The Committee provided an excellent representation of interested parties throughout the City and was quite effective in identifying a "vision" for the Village Redevelopment Area and developing appropriate goals and objectives for future activities.

In July of 2009, the Redevelopment Plan for the Village Area expired. An assessment of redevelopment efforts indicates that there has been success from the programs implemented, and there is no longer substantial blight present within the Area. However,

INTRODUCTION

continued focus and special treatment is warranted to ensure long term success of past and future development programs and/or projects. Based on a desire for a seamless transition of land use regulations and related actions to facilitate continued revitalization of the Village following expiration of the Redevelopment Plan, a decision was made by the Carlsbad Housing and Redevelopment Commission and City Council in June, 2009 to continue the use of the Carlsbad Village Master Plan and Design Manual, with some minor modifications, as the official land use regulatory and guiding design document for the Village Area.

INTRODUCTION

Project Idea ☉ ↓
Review Village Vision and Goals for Area Chapter 1 ↓
Identify Land Use District in which site is located Chapter 2 ↓
Review Land Uses for Identified District Chapter 2 ↓
Review Special Development Criteria, if appropriate Chapter 2 ↓
Review Development Standards Chapter 3 ↓
Review Design Guidelines Chapter 4 ↓
Review Signage Guidelines/Standards Chapter 5 ↓
Review Parking Requirements & Options Chapter 6

↓
Design Review and Development Approval Process Chapter 7 ↓
Meet with Housing & Redevelopment Staff

HOW TO USE THE VILLAGE MASTER PLAN AND DESIGN MANUAL

This flow chart is intended to assist persons in understanding the organization of this Village Master Plan and Design Manual.

In developing the Master Plan and Design Manual, the intent was to provide an easy to read document which progresses in a rational approach based on the order in which project applicants will need to resolve questions and issues as related to a proposed project or activity to be developed within the Village Redevelopment Area.

The Master Plan and Design Manual can be used for the purposes of determining the acceptability of a project and the regulations governing development in the Village. It is organized in a manner which allows a project applicant to move from the basic question regarding permitted/ desired land uses to the more complex issues related to project design and the process to gain approval of the project by the City.

If at any time, a project applicant is in doubt about a project or is confused by the information provided within this Master Plan and Design Manual, he/she is encouraged to contact the City of Carlsbad's Housing and Redevelopment Department directly for clarification purposes. It is also always recommended that a project applicant meet directly with staff of the Housing and

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Redevelopment Department before proceeding with the final
submission of a project application.

VILLAGE VISION

The VISION for the Village Redevelopment Area of Carlsbad is:

- ✓ The Village has a distinct visual identity that makes it unique and a memorable place with identifiable landmarks.
- ✓ The Village strives for excellence through high quality, well-designed private development and public improvements.
- ✓ The Village accommodates a wide range of land uses and also serves as a ~~spectatly~~vibrant specialty retail center for the entire City of Carlsbad.
- ✓ The Village has a strong civic character and provides a place for people to come to be a part of important community events.
- ✓ The Village is a comfortable and safe place to work, shop, visit and live.
- ✓ The Village demonstrates a welcoming attitude and a spirit of cooperation to new businesses and developers who are interested in becoming a part of the downtown.

Village Goals and Objectives

The goals and objectives outlined within this section have been established to guide and direct ~~redvelopment- development~~ activities to help make the "vision" a reality.

GOAL 1: Establish Carlsbad Village as a Quality Shopping, Working and Living Environment

Objectives:

- 1.1 Remove ~~blighting conditions~~ barriers to desired development -from the Village.
- 1.2 Retain and increase uses serving Carlsbad residents.
- 1.3 Attract additional tourist-serving uses.
- 1.4 Encourage uses which are complementary to the new rail station.
- 1.5 Reinforce pedestrian retail continuity within the Village commercial areas.

1.6 Limit commercial development in and adjacent to residential neighborhoods.

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Goals and Objectives

between Carlsbad Boulevard and State Street.

3.5 Provide greater certainty as to acceptable land uses and development intensities.

1.7 Improve the condition and appearance of the current Village housing stock.

2.3 Establish a quality pedestrian environment along North State Street.

3.6

Simplify the project application and review process.

1.8 Increase the number, quality, diversity and affordability of housing units within the Village.

2.4 Improve access to North State Street.

3.7 Stimulate and attract private investment.

1.9

Provide a variety of commercial, tourism, and recreation activity, especially close to beach, in conjunction with special entertainment facilities, restaurants and other uses which will foster a village concept and not detrimentally impact residential usage.

GOAL 3: Stimulate Property Improvements and New Development in the Village

Objectives:

3.1

Establish and modify development standards as necessary and appropriate which recognize the unique small lot conditions within the Village.

1.10

Establish the Village Centre area as the San Diego North County's focus for specialty goods and services.

GOAL 2: Improve the Pedestrian and Vehicular Circulation in the Village Area.

Objectives:

2.1

Minimize pedestrian/vehicular conflicts along major pedestrian walkways.

3.3 Increase the intensity of development within the Village.

2.2

Provide a stronger pedestrian linkage

3.4 Encourage mixed use development projects in the Village.

INTRODUCTION

GOAL 4: Improve the Physical Appearance of the Village Area.

Objectives:

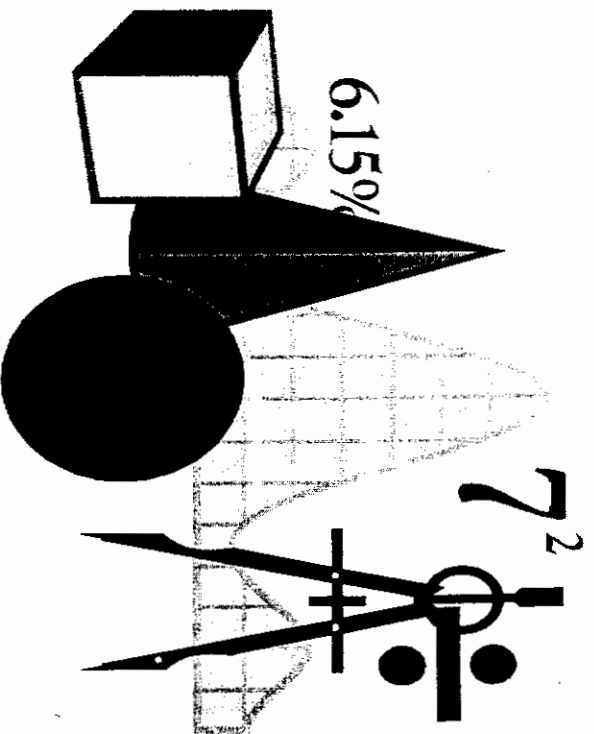
- 4.1 Reinforce the Village character with appropriate site planning, architectural design and signage guidelines and standards.
- 4.2 Establish commercial buildings whose scale and character are compatible with Village residential neighborhoods.
- 4.3 Minimize the land area required to accommodate additional parking in the Village, anticipating the need for structured parking.
- 4.4 Create a sense of design unity and character while encouraging design diversity.
- 4.5 Require design sensitivity to surrounding development within the area.

GOAL 5: Provide signage which is supportive of commercial vitality and a unique Village image.

Objectives:

- 5.1 Reinforce the positive image of Carlsbad Village with appropriately designed and scaled signage.
- 5.2 Use signage to establish a unique visual image for the Village.
- 5.3 Encourage pedestrian-oriented signs.
- 5.4 Ensure that signage is compatible with the architecture of each structure and its unique location.
- 5.5 Encourage signs which reflect the special type or personality of each business.

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3 DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

Regulatory Framework

Village Redevelopment Review Zone (V-R)

All properties within the Carlsbad Village Redevelopment Area are zoned **V-R Village Redevelopment Review Zone** (per Chapter 21.35 of the City of Carlsbad Zoning Ordinance). The boundaries of the Village Redevelopment Area are shown on Figure 5. ~~Land uses and development standards are hereby established by this Village Master Plan Design Manual upon approval of the Housing and Redevelopment Commission City Council.~~ All development within the Village Area is regulated by the Village Master Plan and Design Manual. This document also implements the General Plan. Fundamental Land Use and development standards for the Village Area which are hereby established by this Village Master Plan and Design Manual upon approval of the Housing and Redevelopment Commission and City Council.

For development standards and other regulations which are **not** specifically identified within this Village Master Plan and Design Manual, the appropriate reference document shall be the current Carlsbad Municipal Code.

Village Area Redevelopment Plan/Development

All development within the Village Redevelopment Area is regulated by the Carlsbad Village Area Redevelopment Plan Master Plan and Design Manual, which is the ~~the~~ **Master Plan and Design Manual** implements the fundamental Land Use Plan for set the Area. ~~forth in that Plan.~~

Uniform Building Code

The Uniform Building Code shall be the appropriate reference document for identifying the appropriate building standards for all buildings to be constructed, renovated or rehabilitated within the Village Redevelopment Area. Applicants should consult with the City's Building Department to identify the sections of the building codes which shall be applicable to any project within the Village Redevelopment Area. See Title 18 of the Carlsbad Municipal code for Building Codes and Regulations.

Local Coastal Plan

Non-exempt Development on properties located within the Coastal Zone requires a Coastal Development Permit issued by the Planning Commission or ~~Carlsbad~~ **Agency/City** of Carlsbad (depending on whether the project is located within the Coastal Zone, but not in the Redevelopment Village Area, or

within both the Redevelopment Village Area and the Coastal Zone. The boundaries of the coastal zone within the Village Redevelopment Area are shown on Figure 5). The Village Master Plan and Design Manual together with implementing ordinances and policies, ~~the~~ **Village Area Redevelopment Plan, together with their implementing ordinances and the manual of policies and procedures** constitutes as the local Coastal Program/Plan for the Village Redevelopment Area segment of the Carlsbad Coastal Zone. ~~These documents shall establish the standards for all development within the Village Area of the Coastal Zone~~

Policies and Procedures Manual

From time to time, the Carlsbad Housing and Redevelopment Commission City Council may also establish policies and procedures which must be adhered to for development and/or other activities within the Village Redevelopment Area. ~~These policies and procedures shall be adopted by the Commission and included within a "Housing and Redevelopment and Commission Policies and Procedures Manual."~~ When these policies and procedures impact any development and/or activities located on properties within the Coastal Zone, the policies and procedures must be approved by the Coastal Commission or its executive director prior to

DEVELOPMENT STANDARDS

becoming effective within the
Village segment Coastal Zone.

Development Standards

This Development Standards section is divided into two (2) parts. The first part outlines "Universal Standards" which are applicable to all projects within the Village
~~Redevelopment~~ Area, regardless of district location. The second part outlines the "Individual Standards" for each Land Use District; these standards will differ from district to district and will be applied according to the location of the proposed development and/or activity.

Variances

Variances to development standards set forth within the Village Master Plan and Design Manual document shall be processed according to regulations established within Section 21.35.130 of the Carlsbad Municipal Code.

Non-Conforming Uses

The provisions set forth for non-conforming uses within the Village Master Plan and Design Manual document shall supersede regulations set forth within the Carlsbad Municipal Code. See Chapter 2 of this document for information related to regulations for non-conforming uses in the Village Redevelopment Area. Chapter 2 provides regulations regarding 1) the continued operation of a non-conforming use; and 2) the conditions upon which a property owner can return to an "original use" of the property, even if it determined to be non-conforming under the Land Use Plan set forth within this Manual Master Plan.

Code Enforcement

For the purposes of code enforcement as related to the regulations set forth by this Village Master Plan and Design Manual, Title 21 of the Carlsbad Municipal Code shall serve as the applicable regulations in terms of procedures and due process.

DEVELOPMENT STANDARDS

Figure 5 provides two maps which indicate the coastal zone boundaries for the Village Redevelopment-Area. The shaded area indicates the coastal zone. All non-exempt development on properties within the Coastal Zone will require approval of a Coastal Development permit.

Figure 5. Village Redevelopment-Area Boundaries and Coastal Zone Boundaries:

Figure 5. Village Redevelopment-Area Boundaries, Land Use District Boundaries and Coastal Zone Boundaries (shaded area).

Universal Standards

These standards are applicable to all development in the Village Area.

Development Standard Modifications

Modifications to the development standards may be permitted by the ~~Housing and Redevelopment Commission~~ City Council in all land use districts of the Village Area for developments where the applicant can provide acceptable evidence that a requested development standard modification is 1) necessary to provide housing affordable to low and/or moderate income households, and/or 2) necessary in order for the development to qualify for silver level or higher LEED (Leadership in Energy & Environmental Design) Certification, or a comparable green building rating, and to maintain the financial feasibility of the development with such certification. Development standard modifications may also be permitted by the ~~Housing and Redevelopment Commission~~ City Council if 1) the applicant can provide acceptable evidence that application of the development standards will preclude the construction of a residential development at densities at or above the minimum set forth for the applicable land use district, or 2) for projects that have a significant public benefit as determined by the ~~Housing and Redevelopment Commission~~ City Council or that assist the ~~Commission~~ City Council in meeting the goals and objectives set forth within the Village Master Plan and Design Manual.

1. Density
2. parking standards
3. building setbacks
4. height
5. open space

General Plan

All ~~Village development/redevelopment~~ projects must be consistent with all General Plan policies, goals, and action programs.

Residential Density

The properties within the Village Area do not have a residential density assigned to them for Growth Management Program compliance purposes.

Therefore, the minimum and maximum densities for development that includes residential within the Village Area are set forth herein. For Land Use Districts 1-4 of the Village Area, the maximum density permitted for a development that includes residential shall be 35 dwelling units per acre. For Land Use Districts 5-9, the maximum density for a development that includes residential shall be 23 dwelling units per acre. The minimum density for all land use districts with development that includes residential in the Village Area shall be 15 dwelling units per acre.

A density bonus may be granted in accordance with Chapter 21.86 of the Carlsbad Municipal Code to exceed the maximum density noted

above. A density increase may also be granted, on a case-by-case basis, for the purposes of providing affordable housing for low and/or moderate income households and/or when an applicant can provide acceptable evidence to the ~~Housing and Redevelopment Commission~~ City Council that the density increase is necessary in order for the development to qualify for silver level or higher LEED

Certification, or a comparable green building rating, and assist in maintaining the financial feasibility of the development and/or when the ~~Housing and Redevelopment Commission~~ City Council determines that a project has significant public benefit or assists in meeting the goals and objectives set forth within the Village Master Plan.

To approve a density above the maximum set forth herein, the following findings must be made by the ~~Housing and Redevelopment Commission~~ City Council:

1. That the project will provide sufficient additional public facilities for the density in excess of the maximum permitted to ensure that the adequacy of the City's public facilities plans will not be adversely impacted.
2. That there have been sufficient developments approved in the quadrant below their maximum densities so the approval will not result in exceeding the quadrant limit.
3. That all necessary public facilities will be constructed,

DEVELOPMENT STANDARDS

Through redevelopment and/or special
review permit approvals, modifications
may include, but are not limited to:

or are guaranteed to be
constructed, concurrently with
the need for them created by
this development and in
compliance with the adopted City
standards.

The minimum residential density for
the Village shall be 15 dwelling units
per acre. Pursuant to California
Government Code Section 65863, the
City utilized 23 dwelling units to an
acre in the Village for purposes of
determining the adequacy of sites to
provide for affordable housing in its
2005-2010 Housing Element. As a
result, to approve a development that
includes residential density below 23
dwelling units per acre, the following
findings must be made by the Housing
and Redevelopment Commission:
City Council:

1. the reduction is consistent with
the adopted general plan,
including the housing element.
2. the remaining sites identified
in the housing element are
adequate to accommodate the
city's share of the regional
housing need pursuant to
Government Code Section 65584.

In future Housing Elements, the
density may be revised as appropriate
and this section of the Village Master
Plan and Design Manual shall be
revised by reference accordingly. In
no case shall the residential density
be below the minimum of 15 dwelling
units per acre.

Pursuant to City Council Policy No.
43, all housing located in the Village

DEVELOPMENT STANDARDS

~~Redevelopment~~ Area qualifies for, and requires, an allocation of excess units from the Proposition E "Excess Dwelling" Unit Bank.

Planned Development

Residential units proposed for separate ownership shall comply with the development standards and design criteria set forth within this Master Plan, and within Carlsbad Municipal Code, Title 20 and the State Subdivision Map Act. A tentative tract map application shall be filed together with the appropriate ~~redemption~~ Village special review permit. The Design Review ~~Board~~ Planning Commission shall make a recommendation to the Housing and ~~Redevelopment~~ ~~Commission~~ City Council, and the Council ~~Commission~~ shall be the final decision-making authority, on an application for a tentative tract and/or final map for a development within the boundaries of the Village Redevelopment Area.

All residential units or mixed use projects which are intended to have residential units which are sold for separate ownership will be subject to the following additional requirements:

- 1) The storage of large recreational vehicles, such as motor homes, travel trailers, or boats will not be allowed within the residential or mixed use project. These vehicles must be stored off-site and off-street at all times. The storage of small recreational vehicles, such as canoes or a jet ski, may be permitted on site if the vehicles are stored within an

DEVELOPMENT STANDARDS

area which is screened from adjacent residences and public rights-of-way by either a view-obscuring wall or landscaping.

2) Parking garages shall be designed such that they are visually subordinate to the residential structure or mixed use project. Whenever possible, entrances to individual garages or parking stalls shall be located off a rear alley or within an enclosed parking structure.

Rail Corridor Development

All future development adjacent to or near North County Transit District's Right-of-Way shall be planned with consideration given to the safety of the rail corridor. This consideration will be given at the project-specific level and a determination will be made at that time as to whether or not any additional safety measures are required as a result of the proposed development.

Inclusionary Housing Requirements

All residential projects including the conversion of apartments to airspace condominiums are subject to the City's Inclusionary Housing Ordinance, Chapter 21.85 of the Carlsbad Municipal Code, and these requirements imposed by Redevelopment Law. Per Redevelopment Law, 15% of the private housing units constructed must be affordable to low and moderate income persons, of which not less than 40% (or 6% of the total units) must be affordable to very low income households. Per City Ordinance, 15% of the total housing units constructed

DEVELOPMENT STANDARDS

must be affordable to low income households. Projects consisting of 6 or fewer market rate units may pay an in-lieu fee rather than constructing a unit.

DEVELOPMENT STANDARDS

Parking

New development and additions to existing buildings within the Village Redevelopment Area will be required to provide parking per the standards contained within Chapter 5 of this Village Master Plan and Design Manual.

Changes of use within an existing structure or building may require additional parking if the new use creates a parking demand greater than the structure or building's previous use or existing on-site parking spaces.

The Parking In-Lieu Fee Program described in Chapter 6 may be available as an option for property owners/tenants who are unable to meet their on-site parking requirements. Requests for variances from the on-site parking requirements shall be processed as set forth in Chapter 6 of this document.

Building Coverage, Building Height and Building Setbacks

The standards for building coverage, height and setbacks are established individually according to the applicable Land Use District within the Village Redevelopment Area. See the appropriate development standards section for the applicable Land Use District to identify the standards which apply to projects within the area.

Where a range is established for the subject standard, the individual project standard may be set anywhere within the range based on findings that the project design or site constraints justify the standard and subject to the findings/criteria outlined below for each type of standard noted.

Building Coverage

In all cases where a range has been established as the appropriate building coverage standard within a given district, the bottom of the range shall be considered the desired standard. However, an increase in the standard to the maximum, or anywhere within the range, may be allowed if the project warrants such an increase due to good project design and/or the provision of other projects features which benefit the Village Redevelopment Area. The benefits realized from the increased standards shall be set forth with the approving resolution for said project.

For approval of a building coverage standard which is above the maximum for the subject land use district, a standards modification or variance must be approved by the authorized approving body/official. Standards modifications shall be granted as set forth within this Village Master Plan and Design Manual. Variances shall be granted according to the regulations set forth in Section 21.35.130 of the Carlsbad Municipal Code.

A variance for a building coverage standard which exceeds the top of the range, or the individual standard set forth, will be granted only if the project meets one or more of the following criteria:

1. The project is a mixed use project which provides for residential living units located in close proximity (reasonable walking distance) to the Village Commuter Rail Station.
2. The project is a hotel facility whose scale, design and auxiliary facilities are judged to be appropriate to the Village.
3. The project is a residential project providing a quality living environment and where increased density would not negatively impact adjacent residential development.
4. The project provides for exceptional public amenities in terms of site design or facilities.

DEVELOPMENT STANDARDS

Consistency Determination

In the Village, design of buildings is very important and there is an expectation that the design shall be consistently implemented through all project construction. In other words, there is an expectation that upon completion of the new construction the project will be substantially consistent with the design approved by the appropriate decision-making authority.

The following criteria is set forth and must be met in order for the Housing and Redevelopment Director to approve a consistency determination and ensure that the project design is consistently implemented

The Housing and Redevelopment Director may, at an administrative level, make a consistency determination if all of the following criteria are met:

1. The modified project design is comparable in character, scale, architectural detail and/or other design features to the original project design, or represents an upgrade in overall design features and/or materials as originally approved. The modifications must not be readily discernible to the decision makers as being substantially different from the project as originally approved. The original architectural detail or the design features may be enhanced as long as the character, scale, or theme of the design remains consistent with the original approval.
2. No project condition, feature, facility or amenity is changed or deleted that had been considered essential to the project's design, quality, safety or function by the Housing and Redevelopment Director, ~~Design Review Board~~ Planning Commission and/or ~~Housing and Redevelopment Commission~~ City Council.
3. The modified project complies with all applicable development standards, or does not exceed the variances in standards as originally approved by the final decision maker.
4. The modified project does not increase the density or intensity of the development. A decrease in the density or intensity of development can be considered an acceptable change for consistency determination purposes, at the discretion of the Housing and Redevelopment Director
5. The proposed modification does not involve the addition of a new land use which was not shown on the original permit.
6. The proposed change will not result in any significant environmental impact, and/or require any additional mitigation.
7. The proposed change will not result in any health, safety or welfare impacts.
8. There were not any major issues or controversies associated with the original project which would be

Consistency Determination Application Process

To request a consistency determination, the applicant shall submit an application and amended exhibits, graphics, statements or other information as may be required to explain and justify the request to the Housing and Redevelopment Director. The Housing and Redevelopment Director will determine the number of copies of the application and exhibits to be submitted for processing.

If the consistency determination can be made by the Housing and Redevelopment Director, the applicant shall receive a letter approving the design modifications, and providing authorization to proceed.

If the Housing and Redevelopment Director is unable to make the consistency determination, the applicant shall receive a letter denying the request and providing instructions as to how to proceed with an amendment of a minor or major redevelopment and/or special review permit to allow for the design modifications.

If the original permit was a major redevelopment permit and the applicant is proposing a design change only and there are no other changes in land use, intensity of development, etc. the applicant shall submit an application for a major redevelopment and/or special review permit amendment with the appropriate exhibits. The application and exhibits together with a staff report and recommendation will

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exacerbated with the proposed project modification.

be forwarded directly to the ~~Heusing and Redevelopment Commission~~ City Council for a public hearing and final action. A recommendation will not be required from the ~~Design Review Board~~ Planning Commission. All applicable fees shall be paid and the appropriate public hearing notices shall be provided for the permit amendment.

If the original permit was a major redevelopment and/or special review permit and the applicant is proposing a design change which results in changes in land use, increased density or increased intensity of development, etc., the applicant shall submit an application for a permit amendment with the appropriate exhibits. The application and exhibits together with a staff report and recommendation will be forwarded to the ~~Design Review Board~~ Planning Commission for a recommendation and then forwarded to the ~~Heusing and Redevelopment Commission~~ City Council for final action. All appropriate public hearing notices shall be provided for the permit amendment.

If the original permit was a minor redevelopment and/or special review permit, design changes as well as other land use, intensity of development shall be submitted to the ~~Design Review Board~~ Planning Commission for consideration. The applicant shall submit an application for a permit amendment with the appropriate exhibits. The application and exhibits together with a staff report and recommendation will be forwarded to the ~~Design Review Board~~ Planning Commission for final action. All applicable fees shall be paid and the

DEVELOPMENT STANDARDS

appropriate public hearing notices shall be provided for the permit amendment. The Design Review Board planning Commission decision is appealable to the Housing and Redevelopment Commission City Council.

If the subject property is located within the Coastal Zone, the Coastal Commission shall be appropriately notified of all decisions regarding consistency determinations and/or amendments to minor or major redevelopment and/or special review permits.

DEVELOPMENT STANDARDS

Building Height

The height standard for a building, or buildings, within the Village Redevelopment Area, is noted as a maximum within the individual land use district development standards. The height of a proposed building may not exceed the standard set forth for the given land use district, but it may be set lower if deemed desirable for the project. As a note, additional building height is permitted for all projects in all land use districts for architectural features which are designed as part of the project. For information on architectural features which are exempt from the height limit calculation, see Section 21.46.20 of the Carlsbad Municipal Code.

To exceed the maximum height standard set forth within the development standards for a given land use district, a variance or standards modification must be granted by the appropriate approving body/official for the project.

A variance or modification for a height standard which exceeds the standard set forth for a given land use may be granted only if the project meets one or more of the following criteria:

1. The increased height will be visually compatible with surrounding buildings.
2. The increased height will not unduly impact nearby residential uses.

3. The taller project will not adversely impact views.

4. The project will maintain a scale and character compatible with the Village and the guidelines contained within this Village Master Plan and Design Manual.

5. The project provides for exceptional design quality and is consistent with the goals and objectives of the Village Redevelopment Area.

Building Setbacks

In all cases where a range has been established as the appropriate setback standard within a given district, the top of the range shall be considered the desired standard. However, a reduction in the standard to the minimum, or anywhere within the range, may be allowed if the project warrants such reduction due to good project design and/or the provision of other projects features which benefit the Village Redevelopment Area. The benefits realized from the reduced standards shall be set forth with the approving resolution for said project.

For approval of a setback standard which is below the minimum for the subject land use district, a variance or standards modification must be approved by the authorized approving body/official. Variances shall be granted according to the regulations set forth in Section 21.35.130 of the Carlsbad Municipal Code. Standards modifications shall be approved as set forth within this Village Master Plan and Design Manual.

DEVELOPMENT STANDARDS

IMPLEMENTATION STRATEGY

SECTION III IMPLEMENTATION MEASURES

IMPLEMENTATION STRATEGY

Village Implementation Strategy Measures

Purpose, Authority and Entitlements

This Village Master Plan and Design Manual shall serve as a Master Plan for the area known as the Village, the boundaries of which have been described herein and within Appendix A. The land use and development regulations set forth within this Master Plan and Design Manual constitute the applicable zoning regulations for the Village Area and are adopted by ordinance form in order to supersede the otherwise applicable zoning regulations set forth in the Carlsbad Municipal Code.

This Master Plan establishes land use, zoning and development standards applicable to the Village Area with consideration given to individual land use districts within the Area, defining the permissible type and intensity of development. Although this Master Plan sets standards for development and land use, it does not provide a guarantee of approval for future discretionary development projects within its boundaries.

General Plan Consistency

The Village Master Plan and Design Manual is adopted by ordinance by the Carlsbad City Council, which has found it to be consistent with the Carlsbad General Plan. The Village Master Plan and Design Manual systematically implements the broad-based General Plan policies and the individual development proposals for the Village Area.

Development Consistency

All development proposed for the Village Area shall be consistent with the policies and regulations of this Village Master Plan and Design Manual. The zoning set forth for all properties in the Village is to be known as Village Review, or V-R, and the land use districts shall set forth the permitted, provisional, accessory

and prohibited land uses for said properties. Conformance to these policies and standards will ensure the systematic implementation of the General Plan.

Severability

In the event that any regulation, condition, program, or portion of this Village Master Plan and Design Manual is held invalid or unconstitutional by a California Court of Federal Court of competent jurisdiction, such provisions and the invalidity of such provisions shall not affect the validity of the remaining provisions.

Village Master Plan and Design Manual Enforcement

The Village Master Plan and Design Manual zoning promotes orderly development and the zoning for the Village Area. Consistent with the City of Carlsbad Municipal Code, any violation of the standards and regulations identified in the Village Master Plan and Design Manual adopted by the City Council shall be considered a violation of the Zoning Ordinance. Where the Village Master Plan and Design Manual is silent on an issue, the requirements of the Carlsbad Municipal Code shall apply.

Public Facilities

To ensure that all development within the Village Area is adequately served, developers shall be required to provide for their share of the construction or funding of all necessary public facilities pursuant to the approved Zone 1 Local Facilities Management Plan.

~~In 1992, the Carlsbad Redevelopment Agency initiated a comprehensive review/evaluation of the Redevelopment Area. The purpose of the evaluation was to review what had been accomplished to date in the Village Redevelopment Area and~~

IMPLEMENTATION STRATEGY MEASURES

~~what was still needed or desired. The goal was to create a "Master Plan" for the Village Area which addressed the following:~~

~~Identification of specific areas within the Village which are, or will be, strong candidates for redevelopment within the next 10 to 15 years;~~

~~Provision of an overall development strategy that evaluates the economic potential of various development markets as they relate to specific sites within the Carlsbad Village Redevelopment Area;~~

~~Establishment of specific development standards for projects within the Area;~~

~~The shift of emphasis from publicly-funded to privately-funded revitalization efforts; and~~

~~Development of a strategy for creating a strong identification or image for the Village Redevelopment Area.~~

~~The first and second sections of this document, the "Introduction" and "Village Design Manual", address all of the above issues through the establishment of 1) a vision, goals and objectives; 2) special development opportunities; 3) design guidelines; and 4) universal and specific development standards. The "vision" for the Village Redevelopment Area helps to create the identification or image for the area. The purpose of this~~

~~third, and final, section, entitled "Implementation Strategy", is to outline additional actions which can be taken, or programs which can be implemented, to further assist in the ongoing effort to revitalize the Redevelopment Area and create the desired stronger image for the Village.~~

~~This "Implementation Strategy" sets forth an action framework for various activities to be pursued within the Village Redevelopment Area over the next 10 to 15 years (until the Carlsbad Village Redevelopment Plan expires). This section provides guidance to the Carlsbad Redevelopment Agency as to the types of programs and activities which will be pursued as part of the revitalization/redevelopment program.~~

~~To make the Village vision a reality, a broad range of different activities/actions are required that will extend over many years. The total effort will include some direct public investment, joint public/private effort and some purely private actions, all consistent with the goals and overall program.~~

~~The public actions will include some "carrots", such as direct public investment, design assistance, and assistance in finding or retaining businesses that help meet program goals. There will also be "sticks" or rules to assure that standards are adhered to and that activities or projects which are inconsistent with the program goals do not occur. These rules are important because private investments may not occur unless businesses and property owners know that others will be required to meet the same standards and quality levels. The "Village Design Manual" section of this Master Plan document sets forth these required rules for development.~~

Village Implementation Strategy

This third section of the document sets forth guidance for the "carrots" and the other activities which are planned, or will be pursued, to assist in revitalizing the area. The timetable for implementing the activities within this Master Plan document for the Village is not date-specific. Precise dates for various implementation activities of the program are primarily a function of the budgeting process as resources are made available to support them.

There are two (2) basic documents which will be used to set the priorities for implementation of the various programs outlined within this Implementation Strategy. The first is the Redevelopment Agency Annual Budget which is adopted by the first of each fiscal year (July 1). Also, as required by California Redevelopment Law, the Redevelopment Agency must prepare a Five Year Implementation Plan which includes an outline of how the Agency will expend its funds on redevelopment activities, including affordable housing. This Implementation Plan can be reviewed on an annual basis and modified as necessary according to applicable procedures set forth within California Redevelopment Law. The allocation of redevelopment fund resources will be provided within these two (2) described documents. Financing for redevelopment activities is further described below.

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Financing Redevelopment

Programs

The Village Redevelopment Program is anchored by a concept of public/private joint participation. This public/private concept also includes the mechanisms whereby the Revitalization Program is financed.

Use of Public Funds

The primary source of funding for projects in the Village Redevelopment Area is "tax increment". These funds are used to finance projects which eliminate blight and have a public benefit. Unfortunately, these funds are fairly limited. Therefore, in the years ahead, the Redevelopment Agency will explore alternate funding sources such as grants, assessment districts, development of a "Business Improvement District", state and federal funding programs, and any other eligible funding mechanism which may be made available to the Agency for redevelopment activities.

As required by AB 1290 which was effective January 1, 1994 and made major changes to Redevelopment Law, the Carlsbad Redevelopment Agency is required to prepare a five year implementation plan as indicated above. The Agency approved its first 5 year plan in January, 1995. The Plan highlights the expenditure plan for the Village Redevelopment Agency. As stated previously, this Plan can be reviewed on an annual basis, or more often if necessary, and modified as appropriate to reflect changes in funding/project priorities within the Village Redevelopment Area and related to expenditure of "tax increment" or housing set aside funds. All expenditures of redevelopment funds must be consistent with this required implementation plan in order to comply with applicable California Redevelopment Law.

As available and feasible, the Agency will pursue other sources of public funding which may be available for funding redevelopment or revitalization activities within the Village Redevelopment Area.

Use of Private Funds

On the private side, the Village Redevelopment Program is financed through new development in the Village and by individuals investing in the improvement and upgrading of the existing buildings in the area. It is expected that the public sector contribution will encourage and stimulate an even greater private sector investment in the program. The proposed "Business Retention Program" is also intended to encourage private investment in the Village by attracting viable businesses to the area and identifying needed services and amenities conducive to retaining existing viable businesses and strengthening the neighborhood serving retail clusters in the Village.

Other funding which may be available through private non-profit (or for profit) interest groups, such as the Historical or Arts Society, will also be used as appropriate to fund various activities within the Village Redevelopment Area.

IMPLEMENTATION STRATEGY MEASURES

Circulation Improvements

Generally, it has been determined that the circulation system within the Village Redevelopment Area is adequate to support existing and future development. However, a number of areas within the Village still need sidewalks and other street improvements. As funds become available and as private properties are developed, the developers and Carlsbad Redevelopment Agency City will continue its efforts to provide sidewalks and appropriate street improvements throughout the Village to improve/enhance vehicular and pedestrian circulation.

Public Improvements

With completion of the six (6) phases of the Streetscape Project, much of the public improvement program within the Village has been accomplished. However, the Redevelopment Agency City will continue efforts to complete public improvements as appropriate over the next ten (10) or more next ten (10) years. The following public improvement projects will be pursued: 1) street enhancements (including decorative crosswalks, landscaping and street furniture) to Roosevelt Street from Carlsbad Village Drive to Walnut Street; 2) the construction of a boardwalk and ocean scenic overlook at the end of Carlsbad Village Drive; 3) addition of street trees and hanging flower baskets at various locations in the Village; 4) pedestrian scale lighting throughout the Village; 5) pedestrian connections between Madison and Roosevelt Streets; 6) enhanced public signage for such facilities as public parking lots, parks, etc; 7) pursue development of additional public restrooms within the Village; 8) work with SDG&E and private property owners/developers to underground utilities throughout the Village.

Transportation

The Redevelopment Agency City will continue to support projects which will enhance public transportation opportunities for persons living, working, shopping or visiting within the Village Redevelopment Area.

The Commuter Rail and Bus Transfer Station within the Village Redevelopment Area will provide opportunities for persons who live in or around the Village to access job sites in downtown San Diego or in other Cities north/south of Carlsbad. Eventually, the San Diego Commuter Rail System will also connect with the Commuter Rail System (Metrolink) currently operating in Orange/Los Angeles County; this will offer enhanced public transportation opportunities to persons living in Carlsbad, specifically the Village, and commuting to jobs in other areas. The Agency City will pursue transit-oriented developments which will also enhance this transportation center within the Village.

As feasible and possible, the Redevelopment Agency City will also encourage North County Transit District to improve bus transportation services both in and around the Village Redevelopment Area.

The Redevelopment Agency will also research and pursue alternate forms of public transportation systems to be used within the boundaries of the Village and/or to selected locations outside the Village such as the City Library, Parks, Recreation Centers, etc. These alternate forms of transportation to be pursued may include, but are not limited to: 1) a horse and carriage service; mini-trolley (motorized) system; and/or, 3) a dial-a-ride van or cab service.

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To encourage the greater use of bicycles and mopeds, the ~~Agency~~ City will pursue funding to install bike racks in the various public parking lots within the Village and at various locations on the public sidewalks throughout the Village. Private developers of new projects within the Village will also be encouraged to add bicycle racks on private property to develop this "bicycle friendly" environment. Additionally, the ~~Agency/Housing and Redevelopment staff~~ will work with the City's Engineering Department to ensure that there are adequate and safe bicycle lanes within the Village to enhance circulation opportunities and reduce conflicts with vehicles and/or pedestrians.

The City shall actively encourage convenient alternatives to automobile use throughout the Village Area by implementing the following measures:

- 1) The City shall encourage transit operators to provide low-cost transit service to beaches and visitor-serving areas, and to provide transit service within walking distance of higher density residential areas within the City.
- 2) The City shall support higher density and mixed-use development within walking distance of the transit station.
- 3) In order to minimize energy consumption and vehicle miles traveled and provide substitute means of serving development with public transportation, coastal development permit approvals for new development within the Coastal Zone shall require developers to provide incentives for alternate transit use such as providing employee transit passes or subsidies, ridesharing programs, preferred parking for carpooling and on-site shower facilities.

Cultural Facilities

—The development of cultural facilities in the Village will add greatly to the attractiveness of the Village as a destination for tourists and Carlsbad residents. The Redevelopment Agency Housing and Redevelopment and other city staff will work closely with the Carlsbad Arts Commission and the City's Arts Manager and other parties to identify possible sites for additional cultural facilities within the Village and/or for increasing cultural activity opportunities. Since the Redevelopment Agency has very limited resources, efforts will need to be made to explore and pursue other funding sources, such as bonds or state/federal grants, to assist in the effort to develop these facilities and/or activity opportunities.

Strong support has been expressed for reopening the Carlsbad Theatre as a first run cinema and perhaps other community uses, such as dramatic presentations, dance/music recitals and more. Since the theatre is currently privately owned, the City Agency has limited authority to implement this program. However, the Agency City will continue to encourage the renovation of the theatre by other private or public entities and to attempt to facilitate City approvals to reopen the building according to applicable development standards/building codes. If it is not possible to renovate and reopen the Carlsbad Theatre, the Agency City will pursue other opportunities which may be presented by other private or public parties for providing new cultural arts facilities, including a theatre, within the Village.

The Redevelopment Agency Housing and Redevelopment Department will work with and support the City's Arts Office efforts to sponsor a series of on-going, small-scale arts activities within the Village to attract local residents to the area in greater numbers.

—Live/work accommodations for local artists will be

encouraged by the Carlsbad Redevelopment Agency City. The Village Land Use Plan has been revised to allow these type of uses in several of the

—land use districts within the area. The Agency City will explore and consider the feasibility of developing artist housing under its affordable housing program. Although the City Agency does not

develop housing on its own, a private developer (for profit or non-profit) may be willing to work with the Agency City to develop affordable housing and work space opportunities in the Village. If the Agency is able to identify a private developer who is willing to own and operate artist housing which provides work space, the Agency will work with the developer to facilitate completion of the project. In providing these live/work opportunities for artists, the Agency City will encourage the adaptive reuse of existing commercial buildings in the Village which may also have local historical significance, as appropriate.

The Redevelopment Agency City will research and consider the feasibility of creating a cultural district within the Village Redevelopment Area. The Agency will also encourage and attempt to facilitate formation or development of an "Artist Park" or "Artist Plaza" to provide local artists with a place to create and display their art. These areas could be provided in the open or in storefront galleries/studios.

The Agency Housing and Redevelopment Department will also continue to work with the City's Arts Department to create opportunities for short-term work, exhibit and public spaces for artists in the Village.

To assist in financing public art, the Redevelopment Agency City staff requires that 1% of the total construction cost of any publicly-funded project built within the Village be made available for a public art element within the given project or at a later date

IMPLEMENTATION STRATEGY MEASURES

at an alternate location within the Village. The public art element will be approved by the process set forth by the Carlsbad City Council.

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Historic Preservation

The ~~Redevelopment Agency~~ Housing and Redevelopment ~~Department~~ shall work with the Historic Preservation Commission and/or Historical Society to facilitate the development of walking tour of historic sites in the downtown area. The ~~Agency/Department~~ will work with the Commission/Society to identify sources of funding which may be available for financing the costs of "identifier" or "historical landmark" signs as part of this program. The ~~Agency/City~~ will also consider incorporating a signage program related to cultural resources as part of the walking tour/signage program.

Every effort will be made by the ~~Redevelopment Agency/City~~ to work with private property owners to preserve buildings and/or other historical landmarks within the Village Redevelopment Area as part of the downtown revitalization program. The ~~Agency City~~ will encourage and facilitate the development of a proposed museum in the Village which will provide for the preservation of local historical artifacts.

The Carlsbad Redevelopment ~~Agency/City~~ will research and consider the feasibility of creating a historic district within the Village Redevelopment Area to assist in the effort to preserve the history of Carlsbad and, more specifically, the Village. At a minimum, the ~~Agency/City~~ will prepare a "key" or "overlay map" which clearly identifies the historic buildings and other structures within the Village to increase the awareness of the historical significance of the area and various buildings and to coordinate efforts to redevelop sites or construct new projects in a "history sensitive" manner.

The ~~Agency/City~~ will also encourage the preservation of hispanic culture and history within the Barrio Carlsbad Community of the Village Redevelopment Area. A Hispanic Culture Development Theme has been established for the area on Roosevelt Street between Carlsbad Village Drive and Walnut Avenue. Efforts will be made by the Redevelopment ~~Agency/City~~ to encourage land uses within the area which respect and enhance the ~~Hispanic~~ culture and history within the area.

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Economic Restructuring

One purpose of the Village Master Plan and Design Manual is to restructure the mix of uses in the Village over the long term to be more mutually supportive and to increase the area's economic vitality. The materials in this section of the Implementation Measures ~~Strategy~~ deal not with controls and programs but rather general strategies for change of a period of years.

A "Business Retention and Recruitment Program" will continue to be implemented in the Village Area. ~~developed for the downtown area.~~ The program ~~will include:~~ 1) an identification of special problems faced by small downtown businesses for discussion and possible resolution by the Redevelopment Agency ~~City and/or the Village Business Association~~ the various community groups invested in the Village Area; 2) identification of new businesses desired within the Village; 3) preparation of Village promotional materials; 4) establishment of outreach efforts to attract specific businesses to occupy available spaces in the downtown. As appropriate and consistent with applicable policies, the Agency ~~City~~ may provide financial assistance and/or incentive funding to desirable businesses and/or redevelopment projects to be constructed within the area.

The ~~Agency~~ ~~City~~ will research and pursue, if appropriate, establishment of a Business Improvement District (BID) to fund special projects within the Village Area. The funds provided through the BID could be used for: 1) promotion and marketing of the Village; 2) increased security and parking enforcement; 3) maintenance and enhancement of landscaping; 4) additional lighting and parking; 5) small business counseling services as well as other projects/activities which may address the problems of small downtown businesses.

In addition to the above programs, with assistance from the Village Business Association, the ~~Agency~~ ~~City~~ will pursue development of a "Business Directory and Community Building Identification Program". This program may include, but is not limited to:

- A kiosk or business directory sign program which would be accessed by the customer to identify the location of businesses and/or community buildings within the Village Redevelopment Area. These kiosks could be placed at various locations, such as public parking lots, throughout the Village for directional purposes. This program could be similar to the business directory provided within a shopping mall or it could simply provide an opportunity for businesses to display information related to their business.

- A "Business Directory" which could be published for distribution to visitors and/or local residents for business identification and directional purposes.

- A Street Signage Program which would enhance existing signage to identify key landmarks within the Village and/or various community facilities.

Building Improvements

An improvement of the overall Village environmental and visual image is an important part of the comprehensive Master Plan for revitalization of the downtown redevelopment ~~Village~~ area.

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The Agency City will develop, implement and fund a "Building Facade Improvement and Signage Design Assistance Program" to provide an incentive for businesses/ property owners to complete some facade improvements for area beautification purposes. Also, funding for design assistance for new signage will hopefully encourage businesses to revise and update outdated signage and to comply with the new sign standards for the Village Area.

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Roles and Responsibilities

~~The Housing and Redevelopment Department~~Carlsbad Redevelopment Agency, with direction, support and guidance from the ~~Housing and Redevelopment Commission (City Council)~~ City Council and/or Design Review Board (Planning Commission for the Village Redevelopment Area), Planning Commission, will have the overall responsibility for initiating and coordinating implementation activities. Funds invested in the downtown area will be for the purpose of carrying out the ~~City's~~Agency's responsibilities for planning and land use regulations, and for stimulating greater private investment which will provide benefits to the City as a whole. The Agency City will also be responsible for the design, award of construction contracts and supervision of construction of any public improvements planned for the Village and funded by either the Redevelopment Agency or City. ~~This shall also mean that the Agency will serve in a liaison role between the City and the Housing and Redevelopment Department~~ Department will also serve as the direct contact for other public agencies which may seek to complete improvements and/or projects within the boundaries of the Village Redevelopment Area.

The primary role of the ~~Agency~~City shall be to serve as a catalyst to get activities started. This action must be matched by private commitments to warrant the continued allocation of public staff resources and funding.

The Village Business Association and/or Carlsbad Village Improvement Partnership, or other business organization will be responsible for organizing its membership in support of downtown revitalization and promotional efforts for the downtown area. Such activities will include advertising and special events as well as the dissemination of important information and the representation of downtown business interests before the ~~Agency~~, City Boards and Commissions.

The Village Property Owners and Business Owners shall be responsible for funding their fair share of physical improvements and/or projects which affect the value of their downtown properties. In addition, they will be asked to carry out improvements to their property to enhance the downtown shopping environment and improve the area's competitiveness relative to other regional shopping areas.

The Village Residents will be responsible for supporting the implementation of downtown improvements and/or projects which have benefit to the area as a whole. The residents should also communicate with the community leaders to ensure that problems within the area are being adequately addressed and to aid in the effort to create a Village that is "a comfortable place to be" and offers a variety of opportunities.

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Conclusion

To be successful, this entire Village Master Plan and Design Manual builds upon the governmental leaders' commitment to the downtown, the momentum for improvement established by the businesses, residents and property owners and the spirit of cooperation among all the various parties acting within the Village Redevelopment Area. Implementation of the Village Master Plan and Design Manual will be a shared private/public partnership with many contributing to its success and all benefiting from the redevelopment and revitalization efforts.

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