

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
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February 25, 2014

W20a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
RICK CASSWELL, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP
AMENDMENT NO. CAR-MAJ-3-12A (Minimum Densities) & E (Managed
Living Units) for Commission Meeting of March 12-14, 2014**

SYNOPSIS

The City of Carlsbad's Local Coastal Program (LCP) amendment request #3-12 involves five Housing Element related revisions proposed to be made to the Carlsbad Village Master Plan and Design Manual and Zoning Ordinance for establishing minimum densities (#3-12A) in the Village Area; identifying sites and establishing development standards for farmworker housing (#3-12B), emergency shelters (#3-12C), and transitional and supportive housing (#3-12D) on a citywide basis; along with establishing development standards for managed living units (#3-12E) again only in the Village Area. This staff report addresses LCP Amendments #3-12A (Minimum Densities) and #3-12E (Managed Living Units) only. LCP Amendments #3-12B (Farmworker Housing) and #3-12C (Emergency Shelters) will be addressed in two separate reports for this hearing as well. The City is processing some minor revisions to LCP Amendment #3-12D (Transitional and Supportive Housing) and has asked that the amendment be scheduled at the Commission's June 2014 meeting.

The subject request was filed as complete on March 29, 2013 and a one-year extension was granted on June 12, 2013; therefore, the Commission must act on the amendment request no later than the June 2014 hearing.

SUMMARY OF AMENDMENT REQUEST

In these two amendment requests, the City of Carlsbad is proposing revisions to the certified Land Use Plan (LUP) component of the Carlsbad Village Master Plan and Design Manual to implement two Housing Element programs, which are necessary in order to comply with State law. State law requires local governments to identify sites (i.e. land use zones or districts) and remove constraints to provide a specific number of potential development sites for a variety of housing types for all income levels. The number of potential new housing units is known as the City's Regional Housing Needs Assessment (RHNA), which is determined periodically by the San Diego Association of

City of Carlsbad LCPA #3-12A (Minimum Densities) and
LCPA #3-12E (Managed Living Units)

Governments (SANDAG). While the City does not have to construct housing to meet its RHNA, it must provide opportunities to enable this housing to be built.

LCP Amendment #3-12A (Minimum Densities), as proposed, would amend the “Residential Density” provisions of Chapter 3 (Development Standards) of the Carlsbad Village Master Plan and Design Manual (LUP) to establish higher minimum densities for all nine land use districts within the Carlsbad Village Area. In addition, a new section (“Lot Consolidation”) would be added to the “Residential Density” section of Chapter 3 of the Carlsbad Village Master Plan and Design Manual. This section would establish a general policy of the City to encourage lot consolidation within the Village Area, which would involve the City, “...assisting developers, builders, and property owners to identify potential sites for consolidation as needed.”

Proposed LCP amendment #3-12E (Managed Living Units) would amend Chapter 2 (Land Uses) of the Carlsbad Village Master Plan and Design Manual (LUP) to establish specific development standards for managed living units (including findings to require consistency with the Carlsbad Village Master Plan and Design Manual’s goals and objectives); and establish off-street parking requirements for managed living units.

SUMMARY OF STAFF RECOMMENDATION

Establishing higher minimum residential densities (Amendment #3-12A) has the potential to facilitate an overall intensification of residential land use within the Village Area, because a higher “floor” for residential density would be created. Consequently, this potential intensification of residential uses within the Village Area could have adverse impacts to public access, visitor-serving uses, and visual resources, given that the Village Area contains a number of tourism-related land uses. However, the Village Area constitutes the City’s downtown core and consists of a relatively high-density mix of existing commercial, residential and visitor-serving uses, which could accommodate new residential units without replacing existing commercial or visitor-serving uses or having other significant adverse impacts to coastal resources. One way the certified LCP ensures this balance is through permitting residential development within the “Tourism Support Area” (Land Use District 9) in only mixed-use developments, where the ground floor must be devoted to commercial uses.

In addition, the proposed amendment does not propose any modifications to either the certified maximum residential densities or the existing development standards for each of the nine land use districts which comprise the Village Area. These include parking requirements, building height limits, setbacks, lot coverage and the issuance of coastal development permits for non-exempt development. This would ensure that any new residential development would still have to adhere to those development standards, which help preserve visual resources and public access.

Additionally, the “Tourism-Support” district (Land Use District 9), where many visitor-serving uses are concentrated, would experience only a minimal increase (3 du/ac) in its residential minimum density, changing from 15 du/ac to 18 du/ac, which minimizes the

City of Carlsbad LCPA #3-12A (Minimum Densities) and
LCPA #3-12E (Managed Living Units)

impact of this amendment on this district. Further, residential development within Land Use District 9 is only permitted as part of a mixed use development, with commercial uses on the ground floor, which would help preserve the visitor-serving character of this district. Finally, higher minimum residential densities help ensure that housing is built at sufficient densities to support transit, which enhances public access and reduces vehicle miles traveled. Therefore, the proposed Land Use Plan amendment can be found consistent with the applicable Chapter 3 policies of the Coastal Act.

As proposed, the amendment to establish development standards for managed living units (Amendment #3-12E) would only apply to Land Use Districts 4-8, since these districts are the only locations within the Village Area where managed living units are provisionally permitted. Land Use Districts 4-8 are predominantly more residential in character. Therefore, potential conflicts with visitor-serving uses will be minimized. Additionally, the currently certified development standards for each of the nine land use districts will remain in effect (i.e. unchanged by the proposed amendment); these design measures were established to preserve the visual coastal resources of the Village Area. Furthermore, the newly proposed development standards and findings for managed living units promote public transit, walkability and the use of bicycles, thus serving to reduce vehicle miles traveled. This is accomplished by ensuring that managed living units will be located so as to allow convenient pedestrian travel to and from commercial services and public transit, along with encouraging higher density development through a maximum floor area of 350 square feet per unit, and providing minimal onsite automobile parking. Alternatively, the provision of ample, secure onsite bicycle parking facilities represents a new standard being adopted. Therefore, the proposed Land Use Plan amendment can be found consistent with the applicable Chapter 3 policies of the Coastal Act.

Staff recommends that the Commission find that the City's request to amend the Carlsbad Village Master Plan and Design Manual (LUP) meets the requirements of, and conforms with, the Chapter 3 policies of the Coastal Act as submitted. No adverse impacts to coastal access or coastal resources are anticipated. Staff is therefore recommending that the amendments be approved as submitted by the City. The appropriate resolution and motion may be found on Pages 5 and 6. The findings for approval of the Land Use Plan Amendments as submitted begin on Page 6.

BACKGROUND

LCP Amendments #3-12A and E were first submitted (along with LCP Amendments #3-12 B, C and D) on December 20, 2012, but were not filed as complete until March 29, 2013. A one year time extension was granted to Commission staff at the June 2013 Commission meeting, due to insufficient time to adequately review and prepare recommendations on said amendments. Commission staff has worked with Planning staff from the City of Carlsbad during the review of this proposed amendment, which included a detailed conference call on January 13, 2014.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad's LCP Amendments #3-12A and #3-12E may be obtained from Rick Casswell, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Area. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The proposed amendment modifies only the Carlsbad Village Master Plan and Design Manual which serves as the Land Use Plan for the Village Area.

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. Carlsbad Village Drive is the primary coastal access route through the downtown area linking Interstate 5 to Highway 101. One block southwest of Carlsbad Village Drive is Carlsbad State Beach.

B. STANDARD OF REVIEW

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

Section 30512

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

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL – RESOLUTION

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

MOTION: *I move that the Commission approve Land Use Plan Amendment Nos. 3-12A and 3-12E for the Carlsbad Village Master Plan and Design Manual as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

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

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and

mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

PART III. FINDINGS FOR APPROVAL OF THE CARLSBAD VILLAGE MASTER PLAN AND DESIGN MANUAL LAND USE PLAN AMENDMENTS, AS SUBMITTED

A. AMENDMENT DESCRIPTION

LCP Amendment #3-12A (Minimum Densities) The proposed amendment would provide the following:

- Amend the “Residential Density” provisions of Chapter 3 (Development Standards) of the Carlsbad Village Master Plan and Design Manual to establish higher minimum densities for all nine land use districts within the Carlsbad Village Area. Currently, Land Use Districts 1-9 have a designated minimum density of 15 dwelling units per acre (du/ac). However, the proposed LUP amendment would increase the minimum density of Districts 1-4 to 28 du/ac, while the minimum density for Districts 5-9 would increase to 18 du/ac.
- Maximum densities for all Districts would remain unchanged.

Village Land Use Districts	Minimum Density (du/ac)		Maximum Density (du/ac)	
	Existing	Proposed	Existing	Proposed
1-4	15	28	35	35
5-9	15	18	23	23

- A new “Lot Consolidation” section would be added. This would establish a general policy to encourage lot consolidation within the Village Area, which would involve the City, “...assisting developers, builders, and property owners to identify potential sites for consolidation as needed.”

LCP Amendment #3-12E (Managed Living Units) The proposed amendment would provide the following:

- Define managed living units as “...small, individual dwelling units with limited features. They are developed in a multiple-family dwelling format as part of a managed living unit project. Managed living units are rentals intended for occupancy by 1 or 2 persons only and for tenancies of one month or longer. At a minimum, individual units have partial kitchens and private toilets. Units may share common baths.”
- Establish specific development standards for managed living units. Managed living units would provide rental housing for no more than two people, with a

minimum floor area of 150 square feet for a unit occupied by one person, and a minimum floor area of 220 square feet for a unit occupied by two persons. The maximum floor area for such a unit would be 350 square feet. Managed living unit projects of at least 16 units would be required to provide a manager's unit not subject to any floor area limitations. A management plan, along with a Village Review Permit, to be reviewed and approved by the City would be a requirement for all managed living unit developments.

- To obtain approval of a Village Review Permit, several findings would need to be made including: the project supports the goals and objectives of the Village Master Plan and Design Manual; the project is located within convenient walking distance to and from commercial services and public transit; and the use will not result in adverse impacts to health and safety, such as noise, parking, or security.
- Requires one secured and covered bicycle space to be provided for each of the first 10 units. Thereafter, one secured and covered bicycle space would be provided for every 10 units.
- Amend Chapter 6 (Parking Program) to establish off-street parking requirements for managed living units, whereby one parking space per unit would be required, along with one space for the manager's unit and one space for each full-time employee at maximum shift.

B. CONFORMITY OF THE CARLSBAD VILLAGE MASTER PLAN AND DESIGN MANUAL LAND USE PLAN AMENDMENTS WITH CHAPTER 3

Relevant Coastal Act policies include the following:

Public Access

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Visitor-Serving Uses

Section 30213

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

Section 30222

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

Coastal Development/Visual Resources

Section 30250

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. [...]

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in degraded areas. [...]

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) provide adequate parking facilities or providing substitute means of serving the development with public transportation...

Section 30253

New development shall: [...]

(d) Minimize energy consumption and vehicle miles traveled.

The proposed amendment to establish new minimum residential densities for the Village Area would not involve any modification to the existing maximum densities for residential uses within the Village Area. This means that no future residential development would exceed the existing allowable maximum density already certified for any land use district within the Village Area. Establishing higher minimum residential densities, however, could facilitate an overall intensification of residential land use within the Village Area because a higher “floor” for residential density would be created. This potential (contingent upon future development/redevelopment) intensification of residential uses within the Village Area could have adverse impacts to public access, visitor-serving uses or coastal development/visual resources, given that the Village Area contains a number of tourism-related land uses. However, adverse impacts are not anticipated due to several factors. First, the Village Area consists of a relatively high-density mix of existing commercial, residential and visitor-serving uses, which could accommodate new residential units without having significant adverse impacts to coastal resources. Second, the Village Area constitutes the City’s historic downtown core and is well-served by alternate transit, including bus and rail services, so higher minimum residential densities can actually help ensure that housing is built at sufficient densities to support transit, thus improving public access and reducing vehicle miles traveled. Additionally, the “Tourism-Support Area” (Land Use District 9), where many visitor-serving uses are concentrated, would experience only a minimal increase (3 du/ac) in its residential minimum density, changing from 15 du/ac to 18 du/ac. Furthermore, residential development is only permitted as part of a mixed use development, with commercial uses on the ground floor, within Land Use District 9, which helps to preserve the visitor-serving character of this district.

Another important factor with the proposed amendment is that the development standards for each of the nine land use districts will remain unchanged. These include parking requirements, building height limits, setbacks, lot coverage and the issuance of coastal development permits for non-exempt development. This would ensure that although new residential development would result in more intense land uses, the new development must still adhere to the certified LCP (i.e. the Carlsbad Village Master Plan and Design Manual) development standards, which will ensure implementation of the LCP’s view preservation and public access policies. Therefore, the proposed Land Use Plan amendment can be found consistent with Chapter 3 of the Coastal Act, as submitted.

As proposed, the amendment (LCP Amendment #3-12E) to establish development standards for managed living units would only apply to Land Use Districts 4-8, since these districts are the only locations within the Village Area where managed living units are provisionally permitted. Managed living units would remain prohibited everywhere

else within the Village Area. Land Use Districts 4-8 are predominantly more residential in character, with Districts 4 and 8 specifically comprising what is known as the “Residential Support Area”, which Chapter 2 (Land Uses) characterizes as being intended for, “[s]mall homes, condominiums, and apartments...located in close proximity to shops, restaurants, and the commuter rail station...” Consequently, with managed living units proposed to be small, individual dwelling units intended for occupancy by 1 or 2 persons on a rental basis, they would be well-suited to these land use districts. Moreover, priority uses will be maintained since managed living units will remain located away from visitor-serving nodes in the Village Area and public access points. Additionally, the development standards for each of the nine land use districts will remain in effect (i.e. unchanged by the proposed amendment); therefore, design measures currently established to preserve the visual resources of the Village Area will be implemented.

Furthermore, the proposed development standards and findings for managed living units promote public transit, walkability and the use of bicycles, thus serving to reduce vehicle miles traveled. In addition, managed living units would be located so as to allow convenient pedestrian travel to and from commercial services and public transit, encouraging higher density development through a maximum floor area of 350 square feet per unit and requiring a balance of onsite automobile parking coupled with secure onsite bicycle parking facilities. The proposed amendment will concentrate development in the downtown area where there are adequate support services and good transit opportunities. Therefore, the proposed Land Use Plan amendment can be found consistent with Chapter 3 of the Coastal Act, as submitted.

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

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. The Commission's Local Coastal Program (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.

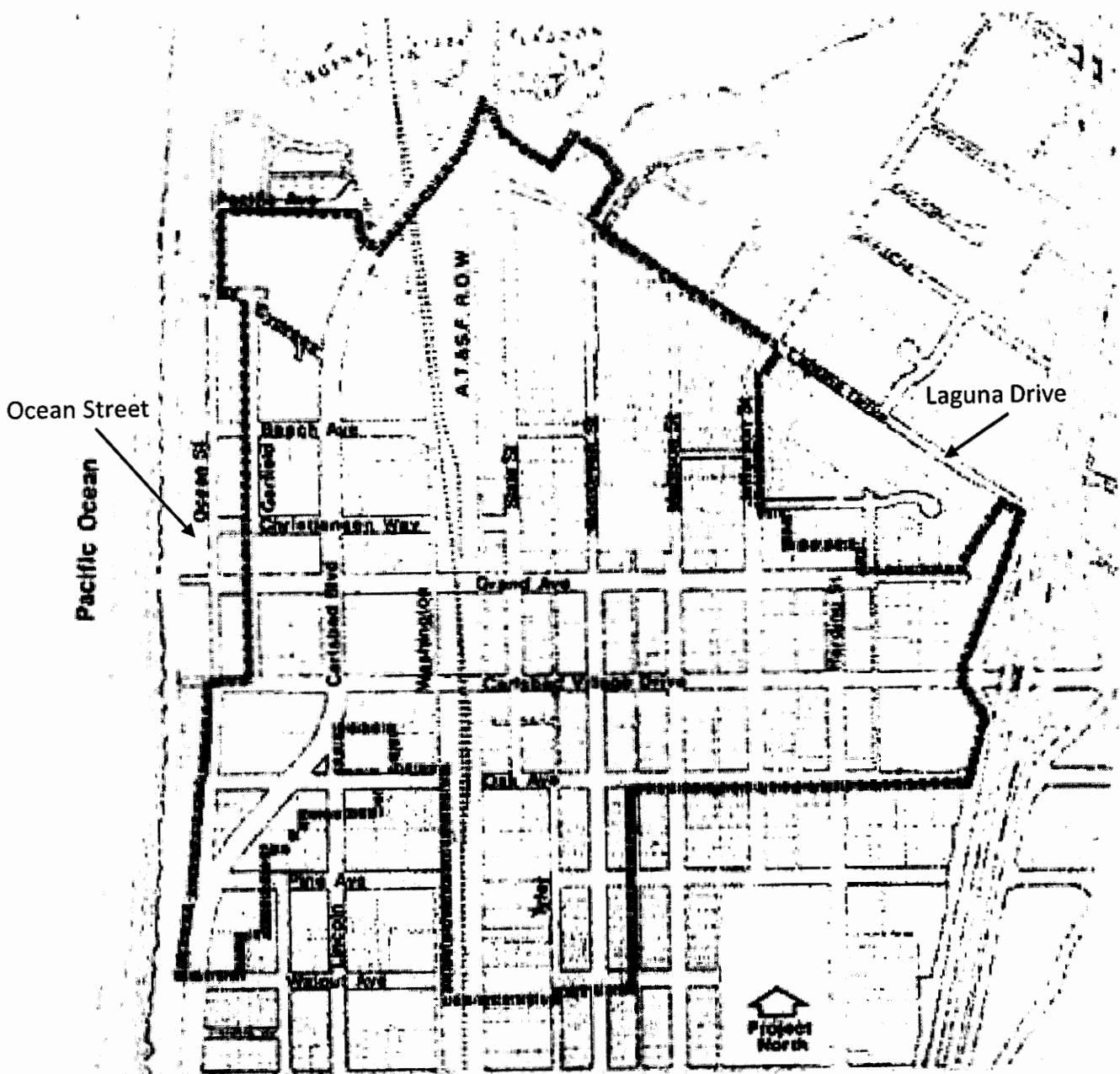
For its own purposes in amending its land use plan at the local level, to meet CEQA requirements, the City determined that the plan revisions were adequately addressed within the Revised Mitigated Negative Declaration (MND) on the City's update of its Housing Element approved by the City on December 22, 2009.

Nevertheless, the Commission is required in an LCP submittal, such as in this case, to find that the approval of the proposed LCP, or LCP, as amended, does conform with CEQA. The proposed amendment would not result in an intensification of land uses incompatible with the surrounding development or have adverse impacts on coastal


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LCPA #3-12E (Managed Living Units)

resources. Further, the Commission finds that the proposed amendment is unlikely to have any significant adverse effect on the environment as a whole. Therefore, the Commission finds that the subject LCP implementation plan, as amended, conforms to the provisions of CEQA.

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Carlsbad Village Area
Figure 1

EXHIBIT NO. 1
APPLICATION NO. CAR-MAJ-3-12A&E
(Managed Living Units & Minimum Densities)
Village Area Map
 California Coastal Commission

RESOLUTION NO. 2012-261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO THE TEXT OF THE VILLAGE MASTER PLAN AND DESIGN MANUAL AND LOCAL COASTAL PROGRAM TO IMPLEMENT PART OF PROGRAM 2.1 (ADEQUATE SITES) OF THE 2005-2010 HOUSING ELEMENT BY INCREASING THE MINIMUM DENSITIES OF ALL LAND USE DISTRICTS IDENTIFIED IN THE VILLAGE MASTER PLAN AND DESIGN MANUAL.

CASE NAME: VILLAGE MINIMUM DENSITIES

CASE NO.: MP 12-01/LCPA 95-10(C)

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

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on September 5, 2012, hold a duly noticed public hearing as prescribed by law to consider MP 12-01 and LCPA 95-10(C) as referenced in Planning Commission Resolution No. 6905; and

WHEREAS, the Village Master Plan and Design Manual (Master Plan) also serves as the Local Coastal Program for Village Area properties within the Coastal Zone; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 6905 and recommended to the City Council approval of MP 12-01 and LCPA 95-10(C); and

WHEREAS, subsequent to the Planning Commission meeting, additional wording has been proposed to the Master Plan text amendments recommended for approval by the Planning Commission to clarify how density is to be calculated for mixed use projects; and

WHEREAS, mixed use projects, which often feature ground floor retail uses and upper floor residential uses, are encouraged in the Village by the Master Plan; and

WHEREAS, the additional wording responds to concerns expressed at the Planning Commission meeting that proposed minimum densities may be difficult to meet, particularly for mixed use projects in Master Plan land use districts 1-4; and

WHEREAS, the additional wording, which proposes that the mixed use projects shall be calculated based on fifty percent of a project's consistent with the calculations utilized in the adopted 2005-2012 Housing

EXHIBIT NO. 2
APPLICATION NO. CAR-MAJ-3-12A&E
(Managed Living Units & Minimum Densities)
Resolution (Min. Densities)
 California Coastal Commission

1 Government Code Section 65863, does not reduce or permit the reduction of residential density
2 on any parcel to a density below that which was utilized by the state Department of Housing and
3 Community Development in determining compliance with housing element law; and

4 WHEREAS, because the additional wording only clarifies how to determine
5 density for mixed use projects consistent with the adopted 2005-2012 housing element, it does
6 not constitute a substantial modification of the amendments previously considered by the
7 Planning Commission; therefore, it does not require review by the Planning Commission before
8 the City Council takes action according to Zoning Ordinance Section 21.52.050 B.2.; and

9 WHEREAS, the additional wording is shown on Attachment "A" dated October 5,
10 2012, and attached hereto; and

11 WHEREAS, the City Council of the City of Carlsbad, on the 27th day of
12 November, 2012, held a duly noticed public hearing to consider said amendments to the Master
13 Plan and Local Coastal Program; and

14 WHEREAS, at said public hearing, upon hearing and considering all testimony
15 and arguments, if any, of all persons desiring to be heard, the City Council considered all factors
16 relating to the Master Plan and Local Coastal Program amendments.

17 NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City
18 of Carlsbad as follows:

- 19 1. That the above recitations are true and correct.
- 20 2. That the recommendations of the Planning Commission for the approval
21 of MP 12-01 and LCPA 95-10(C) are adopted and approved, except as modified by the
22 additional clarifying wording shown on Attachment "A" attached hereto, and that the findings of
23 the Planning Commission contained in Planning Commission Resolution No. 6905 on file with
24 the City Clerk and incorporated herein by reference are the findings of the City Council.
- 25 3. That the approval of LCPA 95-10(C) shall not become effective within the
26 Coastal Zone until it is approved by the California Coastal Commission and the California
27 Coastal Commission's approval becomes effective.
- 28 4. This action is final the date this resolution is adopted by the City Council.
The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial
Review," shall apply:

1 "NOTICE TO INTERESTED PARTIES"

2 The time within which judicial review of this decision must be sought is
3 governed by Code of Civil Procedure, Section 1094.6, which has been
4 made applicable in the City of Carlsbad by Carlsbad Municipal Code
5 Chapter 1.16. Any petition or other paper seeking review must be filed in
6 the appropriate court not later than the nineteenth day following the date
7 on which this decision becomes final; however, if within ten days after the
8 decision becomes final a request for the record of the deposit in an
9 amount sufficient to cover the estimated cost or preparation of such
10 record, the time within which such petition may be filed in court is
11 extended to not later than the thirtieth day following the date on which the
12 record is either personally delivered or mailed to the party, or his attorney
13 of record, if he has one. A written request for the preparation of the
14 record of the proceedings shall be filed with the City Clerk, City of
15 Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA. 92008."

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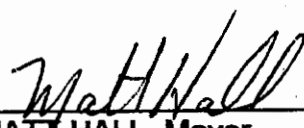
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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
of the City of Carlsbad on the 27th day of November, 2012, by the following vote to
wit:

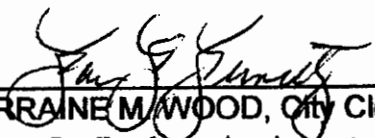
AYES: Council Members Kulchin, Blackburn, Douglas

NOES: None

ABSENT: Council Members Hall, Packard


MATT HALL, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk
Karen R. Kundtz, Assistant City Clerk
(SEAL)



Amendment to the Carlsbad Village Master Plan and Design Manual

- Underline and ~~strikeout~~ text indicates changes recommended for approval by Planning Commission Resolution 6905.
- **Double underline and bold text** indicates additional changes recommended for approval proposed subsequent to adoption of Planning Commission Resolution 6905. Changes affect only the first paragraph below.

Proposed changes affect the Universal Standards section of Chapter 3, Development Standards, by amending existing "Residential Density" provisions and adding a new "Lot Consolidation" section as follows:


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 minimum density shall be 28 dwelling units per acre and the maximum density permitted for a development that includes residential shall be 35 dwelling units per acre. For Land Use Districts 5-9, the minimum density shall be 18 dwelling units per acre and 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.~~ **For mixed use projects in all land use districts, the minimum density shall be calculated based on fifty percent of the developable area.**

A density bonus may be granted in accordance with Chapter 21.86 of the Carlsbad Municipal Code to exceed the maximum densities 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 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 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 maximums set forth herein, the following findings must be made by the City Council:

1. That the project will provide sufficient additional public facilities for the maximum permitted to ensure that the adequacy of the City's public facilities will not be adversely impacted.
2. That there have been sufficient developments approved in the quadrant at ~~maximum densities~~ Growth Management Control Points so the approval does not exceed the quadrant limit.

EXHIBIT NO. 3
APPLICATION NO. CAR-MAJ-3-12A&E
(Managed Living Units & Minimum Densities)
Strikeout (Min. Densities)
 California Coastal Commission

3. That all necessary public facilities will be constructed, 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 ~~15-18~~ or 28 dwelling units per acre, as noted above. Pursuant to California Government Code Section 65863, the city utilized these minimum densities ~~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 either minimum ~~23 dwelling units per acre~~, the following findings must be made by the 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 Area qualifies for, and requires, an allocation of excess units from the Proposition E "Excess Dwelling" Unit Bank. The criteria for withdrawing units from the Excess Dwelling Unit Bank are contained in City Council Policy No. 43.~~

Lot Consolidation

Because there are generally very small lots within the Village Area, it is often difficult to develop them in a financially feasible manner without lot consolidation. As a general policy, the City encourages lot consolidation within the Village Area and will assist developers, builders, and property owners to identify potential sites for consolidation as needed.

RESOLUTION NO. 2012-227

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENTS TO IMPLEMENT PROGRAMS 3.13 (FARM LABOR HOUSING), 3.14 (EMERGENCY SHELTER), 3.15 (TRANSITIONAL AND SUPPORTIVE HOUSING), AND 3.17 (ALTERNATIVE HOUSING) OF THE 2005-2010 HOUSING ELEMENT.

CASE NAME: HOUSING ELEMENT PROGRAM IMPLEMENTATION
CASE NO.: LCPA 09-03/LCPA 09-04/LCPA 11-08/
LCPA 95-10(B)

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

WHEREAS, pursuant to the provisions of the Municipal Code, the Housing Commission did, on June 14, 2012, hold a public meeting as prescribed by law to consider Local Coastal Program Amendment (LCPA) 95-10(B) as referenced in Housing Commission Resolution No. 2012-005; and

WHEREAS, the Housing Commission adopted Housing Commission Resolution No. 2012-005 and recommended to the City Council approval of LCPA 95-10(B); and

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on July 3, 2012, hold a duly noticed public hearing as prescribed by law to consider LCPA 09-03, LCPA 09-04, LCPA 11-08, and LCPA 95-10(B) as referenced in Planning Commission Resolutions No. 6893, 6895, 6897, and 6898, respectively; and

WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 6893, 6895, 6897, and 6898 and recommended to the City Council approval of LCPA 09-03, LCPA 09-04, LCPA 11-08, and LCPA 95-10(B), respectively; and

WHEREAS, the City Council of the City of Carlsbad, on the 25th day of September, 2012, held a duly noticed public hearing to consider said Local Coastal Program Amendments; and

WHEREAS, at said public hearing, upon hearing and consideration of the facts and arguments, if any, of all persons desiring to be heard, the City Council relating to the Local Coastal Program Amendments.

EXHIBIT NO. 4
APPLICATION NO. CAR-MAJ-3-12A&E
(Managed Living Units & Minimum Densities)
Resolution (MLU)
 California Coastal Commission

1 NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City
2 of Carlsbad as follows:

- 3 1. That the above recitations are true and correct.
- 4 2. That the recommendation of the Housing Commission for the approval of
5 LCPA 95-10(B) is adopted and approved, and that the findings of the Housing Commission
6 contained in Housing Commission Resolution No. 2012-005 on file with the City Clerk and
7 incorporated herein by reference are the findings of the City Council.
- 8 3. That the recommendations of the Planning Commission for the approval
9 of LCPA 09-03, LCPA 09-04, LCPA 11-08 and LCPA 95-10(B) are adopted and approved, and
10 that the findings of the Planning Commission contained in Planning Commission Resolutions
11 No. 6893, 6895, 6897, and 6898 on file with the City Clerk and incorporated herein by reference
12 are the findings of the City Council.
- 13 4. That the approval of LCPA 09-03, LCPA 09-04, LCPA 11-08 and LCPA
14 95-10(B) shall not become effective until it is approved by the California Coastal Commission
15 and the California Coastal Commission's approval becomes effective.
- 16 5. This action is final the date this resolution is adopted by the City Council.
17 The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial
18 Review," shall apply.

19 "NOTICE TO INTERESTED PARTIES"

20 The time within which judicial review of this decision must be sought is
21 governed by Code of Civil Procedure, Section 1094.6, which has been
22 made applicable in the City of Carlsbad by Carlsbad Municipal Code
23 Chapter 1.16. Any petition or other paper seeking review must be filed in
24 the appropriate court not later than the nineteenth day following the date
25 on which this decision becomes final; however, if within ten days after the
26 decision becomes final a request for the record of the deposit in an
27 amount sufficient to cover the estimated cost or preparation of such
28 record, the time within which such petition may be filed in court is
extended to not later than the thirtieth day following the date on which the
record is either personally delivered or mailed to the party, or his attorney
of record, if he has one. A written request for the preparation of the
record of the proceedings shall be filed with the City Clerk, City of
Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA. 92008."

23 ///

24 ///

25 ///

26 ///

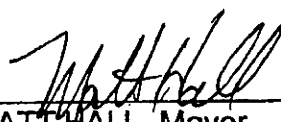
27 ///

1 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
2 of the City of Carlsbad on the 25th day of September 2012, by the following vote to wit:

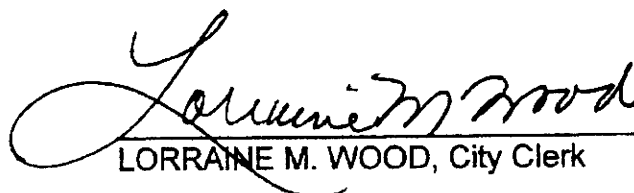
3 AYES: Council Members Hall, Kulchin, Blackburn, Douglas, Packard.
4

5 NOES: None.
6

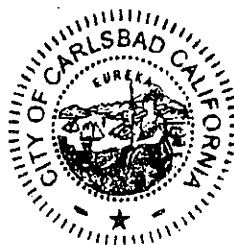
7 ABSENT: None.
8
9

10 
11 _____
MATT HALL, Mayor

12 ATTEST:

13
14 
15 _____
LORRAINE M. WOOD, City Clerk

16 (SEAL)
17




**Amendments to the Carlsbad Village Master Plan and Design Manual
LCPA 95-10(B) - Managed Living Units
(Underline means text to be added and ~~strikeout~~ means text to be deleted)**

- I. **Changes to Chapter 2, Land Uses - The list of provisional uses is revised by alphabetically listing managed living units as shown below.**

Provisional Use Standards Contents

- Amusement Games Arcades
- Automatic Teller Machines (ATMs)
- Bars/Cocktail Lounges
- Bed and Breakfast Inns
- Business/Professional Offices
- Business/Professional Services
- Child Care Centers
- Cinemas
- Cultural Facilities
- Fast Food Restaurants (Large)
- Financial Institutions (Full)
- Hotels
- Laundromats
- Live/Work Studios
- Managed Living Units
- Medical Therapy Offices
- Medical Treatment Offices
- Motels
- Multi-Family Dwellings
- Night Clubs
- Pool Halls/Billiard Parlors
- Professional Care Facilities
- Quick Stop Food Stores
- ~~Managed Living Units~~
- Restaurants with Entertainment
- Self-Improvement Services
- Sidewalk Cafes
- Sport Entertainment Uses

EXHIBIT NO. 5
APPLICATION NO. CAR-MAJ-3-12A&E
(Managed Living Units & Minimum Densities)
Strikeout (MLU)
 California Coastal Commission

- II. **Changes to Chapter 2, Land Uses** - The definition and information about managed living units following the list of provisional uses are replaced as shown below.

Managed Living Units

Definition – Managed living units are small, individual dwelling units with limited features. They are developed in a multiple-family dwelling format as part of a managed living unit project. Managed living units are rentals intended for occupancy by 1 or 2 persons only and for tenancies of one month or longer. At a minimum, individual units have partial kitchens and private toilets. Units may share common baths. Managed Living Units within the Village shall be defined in the same manner as those allowed, if allowed, within the remainder of the city. The definition shall be established by ordinance approved by the City Council.

~~All Managed Living Units produced within the Village shall comply with the standards and conditions set forth within the applicable regulations set forth within the Carlsbad Municipal Code.~~

~~If a Managed Living Unit Ordinance is not adopted for the remainder of the city, these types of units will also not be permitted within the Village Area.~~

~~Development of all Managed Living Units shall be consistent with the Carlsbad Municipal Code.~~

Considerations

1. Managed living units provide housing for one to two people only on a monthly or longer rental basis. They are intentionally limited in size and features so they may serve as a viable affordable housing option for very low and low (together "lower") income persons and help the City meet Housing Element and state law objectives to provide a variety of housing types for all income levels.
2. Managed Living Units are considered dwelling units. They are subject to the minimum and maximum densities set forth herein and all other limitations applicable to residential use. They are also subject to Growth Management requirements.
3. Convenient proximity to transit and commercial services is important.

Location and Development Criteria

1. Within managed living unit projects, all units shall have a floor area of at least 150 square feet and no more than 350 square feet with a maximum of two persons per unit.
2. For California Building Code compliance, the minimum floor area for a unit occupied by one person shall be 150 square feet. For a unit occupied by two persons, the minimum floor area shall be 220 square feet.
3. Managed living unit projects shall comply with the Americans with Disabilities Act and the California Building Code as applicable.

4. Each unit shall contain a partial kitchen with microwave, refrigerator, sink with garbage disposal, and countertop.
5. Each unit shall contain a private toilet in an enclosed compartment with a door. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities should be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility should be on the same floor as the units it is intended to serve and should be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
6. Each unit shall have adequate and designated storage, including a clothes closet within the unit.
7. Common trash and recycling facilities convenient for tenants shall be provided.
8. Common laundry facilities shall be provided with a minimum one washer and one dryer for every 25 units or fraction thereof.
9. Interior common areas, useful and convenient for tenants, shall be provided. The amount of interior common areas shall be no less than 20 square feet per unit with at least 200 square feet per project. Common areas exclude hallways and walkways, stairs, entry lobbies, and utility areas for laundry and trash/recycling.
10. Managed living unit projects of at least 16 units shall include a manager's unit not subject to any floor area limitations. The manager's unit shall have designated parking, a full bathroom, kitchen with stove, and laundry facilities.
11. One secured and covered bicycle space shall be provided for each of the first 10 units. Thereafter, one secured and covered bicycle space shall be provided for every 10 units or fraction thereof, excluding the manager's unit.
12. A management plan shall be submitted for review by the city along with the submittal for the Village Review Permit and must be approved by the city prior to occupancy. A management plan typically includes the following items although additional or other items may also be required:
 - a. Management policies and operational procedures;
 - b. A security program for the building and all internal areas, parking areas, and grounds. The security program shall feature a comprehensive video monitoring system and secured entrances and exits;
 - c. Tenant selection procedures to ensure fair and equal access to housing;
 - d. Tenant rights;
 - e. Tenant and guest rules and regulations;
 - f. Rental rate policy regarding rent levels, collection of rent and rent increases
 - g. Security deposit policy and procedure;
 - h. Maintenance plans, including custodial care, for the building, parking areas, and grounds;
 - i. Emergency procedures.

Findings – In order for this use to receive a Village Review Permit, it shall be consistent with the following findings:

1. The project supports the goals and objectives of the Village Master Plan and Design Manual.

2. The project is located such that occupants may conveniently walk to and from commercial services and public transit.
3. The use is not likely to create noise, parking, security, loitering or other adverse health or safety impacts.
4. The use will not result in an undue reduction of livability for any adjacent residents.
5. An adequate management plan will ensure ongoing compatibility of the managed living unit project with its surroundings.
6. To the extent feasible, the project helps the City meet Housing Element and state law objectives to provide a variety of housing for persons of all income levels, with an emphasis on housing for lower income individuals.

III. **Changes to Chapter 6, Parking Program** – The parking requirements table is amended by the addition of the following use and parking standard.

Village Parking Requirement Tables

<u>Managed living unit project</u>	<u>One parking space shall be provided for each unit, one space for the manager's unit, and one space for each full-time employee at maximum shift. A reduction of up to ½ parking space per unit may be realized through the Village Review Permit process upon successful demonstration by the applicant that such reduction is warranted and maintains adequate parking.</u>
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