

CALIFORNIA COASTAL COMMISSION

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



May 23, 2014

Th12b

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 LCP
AMENDMENT NO. CAR-MAJ-1-13 (Housing Element 2.1 – Barrio) for
Commission Meeting of June 11 - 13, 2014**

SYNOPSIS

The City of Carlsbad is proposing revisions to both the Land Use Plan (LUP) and Implementation Plan (IP) components of the certified Mello II LCP segment of the City. Specifically, the City of Carlsbad's Local Coastal Program (LCP) Amendment Request #1-13 involves a Housing Element-related revision which will modify the City's LCP Land Use Map and Zoning Map, in addition to the City's Zoning Ordinance, to establish a new land use designation 'R-30' (Residential 23-30 dwelling units per acre) within the "Barrio" neighborhood of the City. In order to implement this new land use designation, existing properties within the Barrio area which are zoned as Two-Family Residential (R-2) and Multiple-Family Residential (R-3) are proposed to be rezoned as Residential Density-Multiple (RD-M).

The subject request was filed as complete on April 19, 2013 and a one-year extension was granted on July 11, 2013; therefore, the Commission must act on the amendment request no later than the July 2014 meeting.

SUMMARY OF AMENDMENT REQUEST

In order to implement one of the City's Housing Element programs (Program 2.1), the proposed revisions will involve amending the Land Use Map, Zoning Map and Zoning Ordinance to establish a new land use designation 'R-30' (Residential 23-30 dwelling units per acre) within the "Barrio" neighborhood of the City, which will be implemented by rezoning the existing Two-Family Residential (R-2) and Multiple-Family Residential (R-3) properties within this area as Residential Density-Multiple (RD-M). Program 2.1 identifies necessary amendments to the General Plan and certified LCP land use designations on specific properties in order to allow higher residential densities throughout the Barrio area to satisfy a portion of the City's share of the Regional Housing Needs Assessment (RHNA). This is a requirement for all local governments pursuant to state law, whereby local governments must identify sites (i.e. land use zones

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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 RHNA, which is determined periodically by the San Diego Association of 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 #1-13 (Housing Element 2.1 – Barrio), as proposed, would allow for an additional 353 residential units to potentially be built within the Coastal Zone portion of the Barrio neighborhood, which is currently developed with 374 residential units. The proposed R-30 land use designation will allow some existing uses to become conforming uses, based on adopted density limits, in that existing residential development on numerous lots within the Barrio area exceed the density currently allowed by the existing LCP Land Use Map and General Plan. Amending the City's LCP Zoning Map to completely replace the existing R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential) zones within the project area with RD-M (Residential Density – Multiple) will enable the City to implement the proposed new land use designations.

SUMMARY OF STAFF RECOMMENDATION

Establishing a higher density residential land use designation of 'R-30' (Residential 23-30 du/ac) has the potential to allow for an overall intensification of residential land use within the Barrio area, because a higher number of dwelling units per acre could be developed. Consequently, this prospective intensification of residential uses within the Barrio community could raise potential concerns relative to public access, visitor-serving use priorities, and visual resources, given that a portion of the Barrio area falls within the Coastal Zone. However, relative to use priorities under the Coastal Act, the Barrio neighborhood, and the Coastal Zone portion of the Barrio in particular, has historically been a residential community without any visitor-serving uses or coastal recreation. This has always been recognized by the City's certified LCP, in that both the existing LCP Land Use and Zoning Maps have designated only residential land uses and zoning designations for this area (with the exception of an existing elementary school).

In addition, the proposed amendment does not propose any modifications to the existing development standards certified within the applicable residential zoning designations that will be utilized to implement the proposed land use re-designations. These include parking requirements, building height limits, setbacks and lot coverage restrictions. Therefore, any new, non-exempt development would still be subject to a Coastal Development Permit (CDP), pursuant to Chapter 21.201 of the Zoning Ordinance (which this amendment does not propose to change). Consequently, any new residential development would still have to adhere to those development standards, which would preserve visual resources.

Given the subject area's proximity to the beach (over one third of a mile east of the shoreline), with considerable beach parking available at Tamarack State Beach (130

spaces) and along Carlsbad Boulevard (34 spaces), public access and coastal views are not expected to be significantly impacted by the proposed amendment. Furthermore, this area is already well-served by alternate transit, including train and bus services, provided by the North County Transit District, which are located within a 1-mile radius of the project area. Therefore, new residents within the existing Barrio community resulting from more intensive residential development will not be dependent upon automobiles as their only mode of transportation, which will reduce potentially increased trip generation levels within and around the Barrio area. Consequently, coastal access should not be significantly impacted by the proposed amendment.

Staff recommends that the Commission find that the City's request to amend the certified LCP Land Use Plan meets the requirements of, and conforms with, the Chapter 3 policies of the Coastal Act as submitted. Additionally, staff recommends that the City's request to amend the certified LCP Implementation Plan can be found to be consistent with the certified Mello II Land Use Plan. No adverse impacts to coastal access or coastal resources are anticipated. Staff is therefore recommending that the amendment be approved as submitted by the City. The appropriate resolutions and motions may be found on Pages 5 and 6. The findings for approval of the LUP Amendment as submitted begin on Page 6 and the findings for approval of the IP Amendment as submitted begin on Page 10.

BACKGROUND

LCP Amendment #1-13 was first submitted March 19, 2013, but was not filed as complete until April 19, 2013. A one year time extension was granted to Commission staff at the July 2013 Commission meeting, due to insufficient time to adequately review and prepare recommendations on the amendment. Commission staff has worked with Planning staff from the City of Carlsbad during the review of this proposed amendment.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad's LCP Amendment #1-13 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 Mello II segment of the LCP.

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.

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

C. PUBLIC PARTICIPATION

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.

- I. MOTION:** *I move that the Commission approve the Land Use Plan Amendment No. 1-13 for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

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

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the land use plan, as amended, 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 amendment 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 amendment.

II. MOTION: *I move that the Commission approve the Implementation Plan Amendment No. 1-13 for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

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

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

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

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed amendment would provide the following changes to the City’s Mello II Land Use Plan. First, it would mend the certified LCP Land Use Map to create a new ‘R-30’ (Residential 23-30 du/ac) land use designation. Additionally, the amendment would then re-designate all 38 existing RM (Medium Density; 0-4 du/ac) properties within the Coastal Zone portion of the Barrio area as ‘R-30’, along with re-designating 13 existing RMH (Medium-High Density; 8-15 du/ac) properties as ‘R-30’ within the same area.

The Barrio neighborhood, in its entirety, is located south of Oak Avenue, north of Tamarack Avenue, east of the railroad, and west of the Interstate-5 freeway (I-5). Notably, a commercial property (currently occupied by a gas station and pub) located at the southwest tip of this described area is not included as part of the Barrio neighborhood. The Coastal Zone portion of the Barrio neighborhood comprises an irregular shape, with the northern tip beginning approximately 300 feet south of

Chestnut Avenue, which is bounded by the railroad to the west, and is primarily contained between Magnolia Avenue and Tamarack Avenue, with the eastern extremity bounded by Interstate 5.

B. CONFORMITY OF THE CITY OF CARLSBAD MELLO II LAND USE PLAN AMENDMENT 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 a new land use designation of ‘R-30’ (Residential 23-30 du/ac) and apply that to all existing RM (Medium Density 0-4 du/ac) and RMH (Medium-High Density 8-15 du/ac) properties means that the Barrio area has the potential to significantly intensify residential development within its boundaries. Consequently, this projected (contingent upon future development/redevelopment) intensification of residential uses within the Barrio area may raise conflicts with coastal access, visitor-serving use priorities or visual resources. However, adverse impacts are not anticipated due to several factors.

First, the Barrio area as it exists today is predominantly residential, and virtually completely residential (with the exception of the elementary school) within the Coastal Zone portion of the Barrio which this LCP Amendment addresses. Therefore, there would be no loss of visitor-serving or coastal recreational uses within the subject area because these uses do not currently exist in this part of Carlsbad. This absence of coastal recreation and visitor-serving uses within the Coastal Zone portion of the Barrio can largely be explained because of the community’s relationship to the ocean. Located in excess of one-third of a mile east of the shoreline, there are no public views of the ocean, and the railroad corridor, which makes up the western boundary of the area, essentially acts as a man-made barrier for pedestrian access to the beach. As a result of this distance and perceived barrier to pedestrian access, direct public access

opportunities and reservoir parking for the beach is located further west, closer to the shoreline.

Additionally, Tamarack Avenue, which is the closest public right-of-way with direct access to the beach and a major coastal access corridor, is not expected to experience significant adverse impacts to traffic flow as a result of the potential residential intensification. This is due to a number of mitigation measures that the City's Mitigated Negative Declaration environmental document for the 2005-2010 Housing Element identifies which are expected to reduce any traffic impacts to a less than significant level. These include: requiring new development to provide a traffic analysis report (which evaluates project specific traffic impacts and identifies mitigation for impacts), according to City standards and as may be required by the City Engineer; developers making fair share contributions (when applicable) through the Traffic Impact Fee (TIF) program toward traffic improvements; and requiring new development to provide pedestrian and bicycle linkages (when feasible), which connect to nearby community centers, commercial developments, parks, schools, points of interest, major transportation corridors and the Carlsbad Trail System.

Also, the Barrio area already contains a significant number of properties that exceed the existing land use densities established under the existing LCP Land Use Map, which has a current maximum density range of 8-15 du/ac with the Medium-High Density (RMH) land use designation. Therefore, the proposed higher density land use designation (i.e. 'R-30' at 23-30 du/ac) will allow these properties to become conforming uses with the increased density to be authorized under this amendment.

Since the subject area has historically accommodated higher density residential development, when compared to the rest of the City, this area is already well-served by alternate transit, including train and bus services, provided by the North County Transit District, which are located within a 1-mile radius of the project area. Therefore, new residents within the existing Barrio community as a result of future, and possibly more intensive, residential development will not be solely dependent upon automobiles as their mode of transportation, which should help minimize potentially increased trip generation levels within the Barrio area. Additionally, the Barrio community has been identified as a "smart growth" area for the City and SANDAG. With both organizations investing funds to promote and encourage alternative transportation choices in the area, the proposed residential density increase further supports transit-oriented development and reduces vehicle miles traveled. Consequently, public access should not be significantly impacted by the proposed amendment. Therefore, the proposed Land Use Plan amendment can be found consistent with Chapter 3 of the Coastal Act, as submitted.

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

A. AMENDMENT DESCRIPTION

- Amend the LCP Zoning Map by changing the zoning designations throughout the Barrio area to implement the proposed new land use designation. Involves redesignating all 38 existing R-2 (Two-Family Residential) properties as RD-M (Residential Density – Multiple), and redesignating all 4 existing R-3 (Multiple-Family Residential) properties as RD-M.
- Development standards for all RD-M Zone to remain unchanged and this zone will be utilized as the implementing zone for the new R-30 land use category.
- Parking requirements to comply with existing regulations established under Section 21.44 of the Zoning Ordinance.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

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

The certified LUP for the Mello II segment of the City has a number of goals and policies relevant to the proposed amendment.

Policy 1-1: Allowable Land Uses

Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.

Policy 1-2: Maximum Density of Development

Residential densities shall be permitted and based on the underlying LCP land use designation. The residential land use designations shall represent the maximum density permitted subject to the application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.

Policy 6-5 – Need for 200 Additional Hotel-Motel Rooms and Visitor Serving Uses

Approximately 40 acres of additional visitor-serving (hotel-motel and restaurant) uses should be established...Restaurants and other visitor-serving facilities also need to be provided ...

Policy 7-10: Parking

Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.

Policy 8-3: Infill Development Design Review

While the Scenic Preservation Overlay Zone can be used to enhance the character of new development, the City of Carlsbad should adopt a policy whereby the unique characteristics of older communities...can be protected through their redevelopment scheme. This policy should reflect design standards which are in accordance with the flavor of the existing neighborhood.

The rezoning of all existing R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential) properties to RD-M (Residential Density – Multiple) encourages the implementation of the new ‘R-30’ land use designation, which may facilitate residential intensification within the Barrio neighborhood. However, since the ‘R-30’ density range is proposed only within the Barrio community, the amendment’s impact to the City’s Coastal Zone is limited. This area of the City has historically been primarily residential in character, which the LCP has always recognized with its land use designations. Therefore, this area has not been intended to accommodate visitor-serving or recreational type uses. Additionally, the zoning designations will remain residential for this portion of the Barrio, and will, therefore, comply with Policy 1-1 of the Mello II LCP.

The proposed Zoning Map amendment will not be adding a new zoning classification (instead, it will be using the RD-M zone to implement the new ‘R-30’ land use designation); and, the existing development standards for the applicable zoning designations will also be retained. Consequently, the parking requirements, building height limits, setbacks, lot coverage and the issuance of coastal development permits for non-exempt development will still apply. This will ensure that although new residential development could result in more intense land uses, the new development must still adhere to the certified LCP’s existing development standards, which will ensure implementation of the LCP’s view preservation and public access policies. Furthermore, the City’s use of the RD-M zone will be consistent with the addition of the new ‘R-30’ (Residential 23-30 du/ac) land use designation to the LCP Land Use Map, in that the RD-M zone has historically been used by the City to implement its highest density residential land use designations. Therefore, the proposed amendment will be in conformance with Policy 1-2 of the Mello II LCP, which requires residential densities to be permitted and based on the underlying LCP land use designation.

The development standards (established in the City of Carlsbad Zoning Ordinance) applicable to the RD-M zone will remain unchanged, along with the applicable parking standards which are also set forth within the City’s Zoning Ordinance. Additionally, any new development would still be subject to a CDP, pursuant to Chapter 21.201 of the Zoning Ordinance (which this amendment does not propose to change). This means that

adequate parking, consistent with Policy 7-10 of the Mello II LCP segment, will continue to be required in conjunction with any new development resulting from the proposed amendment. Also, in adherence to Policy 8-3 of the Mello II LCP segment, residential development standards such as building height limits, setback requirements, and lot coverage restrictions will be maintained, which will ensure that new development will be compatible with the neighborhood. Also, through the coastal development permitting process, future development on any sites that may contain or are sited adjacent to any sensitive resources would need to preserve and provide necessary buffering for such resources consistent with the certified LCP. In summary, the Commission finds that the proposed amendment can be certified, as submitted, because it is in conformance with the certified land use plan, provides for a wider range of affordable housing opportunities, and will not adversely impact coastal access or coastal resources.

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

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments 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 regulatory program has been certified by the Resources Agency, finding that the Commission's environmental review process 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 submittal.

At the local level, in connection with the revisions to its Zoning Ordinance, the City determined that the subject LCP amendment was 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, as provided under section 13540 of its regulations, 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 section 21080.5(d)(2)(A) of CEQA which requires "that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment." The proposed amendment would not result in an intensification of land uses incompatible with the surrounding development or have adverse impacts on coastal 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.


RESOLUTION NO. 2013-048

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING: 1) AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 2005-2010 CARLSBAD HOUSING ELEMENT, 2) AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT TO CREATE THE RESIDENTIAL R-30 LAND USE DESIGNATION, 3) AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP AND OFFICIAL OPEN SPACE & CONSERVATION MAP, AND 4) AN AMENDMENT TO THE LOCAL COASTAL PROGRAM LAND USE MAP AND ZONING MAP; SAID MAP AMENDMENTS IMPLEMENT HOUSING ELEMENT PROGRAM 2.1 WITHIN THE BARRIO AREA, WHICH IS GENERALLY LOCATED NORTH OF TAMARACK AVE., SOUTH OF OAK AVE., EAST OF THE RAILROAD, AND WEST OF INTERSTATE 5.
CASE NAME: HOUSING ELEMENT PROGRAM 2.1 - BARRIO
CASE NO.: GPA 12-03/GPA 12-04/ZC 12-02/ZC 12-03/
ZCA 12-02/LCPA 12-03**

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 December 5, 2012, hold a duly noticed public hearing as prescribed by law to consider: an Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the 2005-2010 Carlsbad Housing Element, according to "Exhibit A," attached to Planning Commission Resolution No. 8931; General Plan Amendment 12-03, according to Exhibits "GPA 12-03A" and "GPA 12-03B," attached to Planning Commission Resolution No. 8932; General Plan Amendment 12-04, according to Exhibit "GPA 12-04," attached to Planning Commission Resolution No. 8933; and Local Coastal Program Amendment 12-03, according to Exhibit "LCPA 12-03," attached to Planning Commission Resolution No. 8933; and

WHEREAS, the Planning Commission recommended approval of: the Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the 2005-2010 Carlsbad Housing Element, according to Planning Commission Resolution No. 8931; General Plan Amendment 12-03, according to Planning Commission Resolution No. 8932; General Plan Amendment 12-04 and Local Coastal Program Amendment 12-03, according to Planning Commission Resolution No. 8933; and

EXHIBIT NO. 1
APPLICATION NO. CAR-MAJ-1-13
Housing Element Program 2.1 - Barrio)
Resolution  California Coastal Commission

1 WHEREAS, the City Council of the City of Carlsbad, on the 26th day of
2 February, 2013, held a duly noticed public hearing to consider said Addendum,
3 General Plan Amendments and Local Coastal Program Amendment; and

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

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

9 1. That the above recitations are true and correct.

10 2. That the Addendum to the Mitigated Negative Declaration and Mitigation
11 Monitoring and Reporting Program for the 2005-2010 Carlsbad Housing Element, as shown in
12 Planning Commission Resolution No. 6931, is approved and the findings and conditions of the
13 Planning Commission contained in Planning Commission Resolution No. 6931 are incorporated
14 herein by reference, and are the findings and conditions of the City Council.

15 3. That General Plan Amendment 12-03, as shown in Planning Commission
16 Resolution No. 6932 on file with the City Clerk, is approved and the findings and conditions of
17 the Planning Commission contained in Planning Commission Resolution No. 6932 are
18 incorporated herein by reference, and are the findings and conditions of the City Council.

19 4. That General Plan Amendment 12-03 shall be effective thirty days after City
20 Council adoption of this resolution.

21 5. That General Plan Amendment 12-04, as shown in Planning Commission
22 Resolution No. 6933 on file with the City Clerk, is approved and the findings and conditions of
23 the Planning Commission contained in Planning Commission Resolution No. 6933 are
24 incorporated herein by reference, and are the findings and conditions of the City Council.

25 6. That Local Coastal Program Amendment 12-03, as shown in Planning
26 Commission Resolution No. 6933 on file with the City Clerk, is approved and the findings and
27 conditions of the Planning Commission contained in Planning Commission Resolution No. 6933
28 are incorporated herein by reference, and are the findings and conditions of the City Council.

 7. That General Plan Amendment 12-04 and Local Coastal Program
Amendment 12-03 shall not become effective until Local Coastal Program Amendment 12-03 is
approved by the California Coastal Commission.

 8. This action is final on 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:

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"NOTICE TO APPLICANT"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such 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.

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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
of the City of Carlsbad on the 26th day of February 2013, by the following vote to wit:

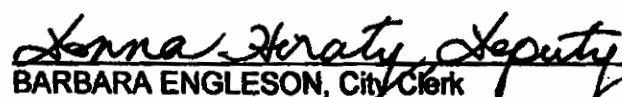
AYES: Council Members Hall, Packard, Wood, Blackburn, Douglas.

NOES: None.

ABSENT: None.


MATT HALL, Mayor

ATTEST:


BARBARA ENGLESON, City Clerk

(SEAL)



ORDINANCE NO. CS-206

1
2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
3 OF CARLSBAD, CALIFORNIA, AMENDING SECTION
4 21.90.045 OF THE CARLSBAD MUNICIPAL CODE BY
5 ADDING A REFERENCE TO THE DENSITY RANGE FOR
6 THE R-30 RESIDENTIAL LAND USE DESIGNATION AND
7 AMENDING SECTION 21.05.030 OF THE CARLSBAD
8 MUNICIPAL CODE (ZONING MAP) BY CHANGING THE
9 ZONING ON VARIOUS PROPERTIES THROUGHOUT
10 THE BARRIO, WHICH IS GENERALLY LOCATED NORTH
11 OF TAMARACK AVE., SOUTH OF OAK AVE., EAST OF
12 THE RAILROAD AND WEST OF INTERSTATE-5.

13 CASE NAME: HOUSING ELEMENT PROGRAM 2.1 -
14 BARRIO
15 CASE NO.: ZC 12-03/ZCA 12-02

16 WHEREAS, the City Council did on the 26th day of February 2013, hold a
17 duly noticed public hearing as prescribed by law to consider said request; and

18 WHEREAS at said public hearing, upon hearing and considering all
19 testimony and arguments, if any, of all persons desiring to be heard, said City Council
20 considered all factors relating to ZC 12-03/ZCA 12-02 – Housing Element Program 2.1 -
21 Barrio.


22 NOW, THEREFORE, the City Council of the City of Carlsbad does ordain
23 as follows:

24 SECTION I: That Section 21.50.030 of the Carlsbad Municipal Code,
25 being the zoning map, is amended as shown on the Exhibit "ZC 12-02 – Housing Element
Program 2.1 - Barrio," dated December 5, 2012, attached hereto and made a part hereof.

SECTION II: That Section 21.90.045 of the Carlsbad Municipal Code is
amended to read as follows:

21.90.045 Growth management residential control point estab

In order to ensure that residential development does r
established in the general plan, the following growth manager
established for the residential density ranges of the land use elem

EXHIBIT NO. 2
APPLICATION NO. CAR-MAJ-1-13
Housing Element Program 2.1 - Barrio)
Ordinance
 California Coastal Commission

Allowed Dwelling Units Per Acre

General Plan Density Ranges	Growth Management Control Point
RL 0 - 1.5	1.0
RLM 0 - 4.0	3.2
RM 4.0 - 8.0	6.0
RMH 8.0 - 15.0	11.5
RH 15.0 - 23.0	19.0
R-30 23.0 - 30.0	25.0

No residential development permit shall be approved which density exceeds the growth management control point for the applicable density range unless the following findings are made:

1. The project will provide sufficient additional public facilities for the density in excess of the control point to ensure that the adequacy of the City's public facilities plans will not be adversely impacted; and

2. There have been sufficient developments approved in the quadrant at densities below the control point to cover the units in the project above the control point so that approval will not result in exceeding the quadrant limit; and

3. All necessary public facilities required by this chapter 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.

For the purposes of this paragraph the term "quadrant" means those quadrants established by the intersections of El Camino Real and Palomar Airport Road as set forth in the map amending the General Plan and as required by Proposition E adopted November 4, 1986.

SECTION III: That the findings and conditions of the Planning Commission in Planning Commission Resolution No. 6933 shall also constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the city clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be effective within the Coastal Zone until LCPA 12-03 is approved by the California Coastal Commission.)*

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INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad
City Council on the 26th day of February 2013, and thereafter.


PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
of the City of Carlsbad on the 12th day of March 2013, by the following vote to wit:

- AYES: Council Members Hall, Packard, Wood, Blackburn, Douglas.
- NOES: None.
- ABSENT: None.
- ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

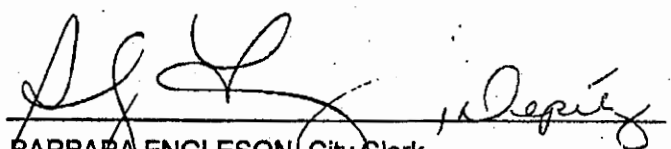


CELIA A. BREWER, City Attorney



MATT HALL, Mayor

ATTEST:



BARBARA ENGLESON, City Clerk

(SEAL)



**HOUSING ELEMENT PROGRAM 2.1 - BARRIO
ZCA 12-02 STRIKE-OUT/UNDERLINE**

21.90.045 Growth management residential control point established.

In order to ensure that residential development does not exceed those limits established in the general plan, the following growth management control points are established for the residential density ranges of the land use element.


Allowed Dwelling Units Per Acre

General Plan Density Ranges	Growth Management Control Point
RL 0—1.5	1.0
RLM 0—4.0	3.2
RM 4.0—8.0	6.0
RMH 8.0—15.0	11.5
RH 15.0—23.0	19.0
<u>R-30 23.0 - 30.0</u>	<u>25.0</u>

No residential development permit shall be approved which density exceeds the growth management control point for the applicable density range unless the following findings are made:

1. The project will provide sufficient additional public facilities for the density in excess of the control point to ensure that the adequacy of the City's public facilities plans will not be adversely impacted; and
2. There have been sufficient developments approved in the quadrant at densities below the control point to cover the units in the project above the control point so that approval will not result in exceeding the quadrant limit; and
3. All necessary public facilities required by this chapter 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.

For the purposes of this paragraph the term "quadrant" means those quadrants established by the intersections of El Camino Real and Palomar Airport Road as set forth in the map amending the General Plan and as required by Proposition E adopted November 4, 1988.

EXHIBIT NO. 3
APPLICATION NO. CAR-MAJ-1-13
(Housing Element Program 2.1 - Barrio)
Strikeout
 California Coastal Commission