

**CALIFORNIA COASTAL COMMISSION**

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# Th17b

## **LCP-6-CAR-17-0020-1 (DENSITY BONUS UPDATE)**

**MAY 11, 2017**

### **EXHIBITS**

#### **Table of Contents**

Exhibit 1 – Resolution No. 7198

Exhibit 2 – Proposed Text Changes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PLANNING COMMISSION RESOLUTION NO. 7198**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT AND A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE CITY'S ZONING ORDINANCE TO MAKE THE CITY'S DENSITY BONUS REGULATIONS CONSISTENT WITH STATE LAW.

CASE NAME: DENSITY BONUS AMENDMENT

CASE NO: ZCA 16-02/LCPA 16-01

WHEREAS, the City Planner has prepared a proposed Zoning Ordinance Amendment pursuant to Section 21.52.020 of the Carlsbad Municipal Code to: amend the city's Zoning Ordinance to make the city's density bonus regulations consistent with state law; and

WHEREAS, the City Planner has prepared a Local Coastal Program Amendment, as provided in Public Resources Code Section 30514 and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, the proposed Zoning Ordinance Amendment and Local Coastal Program Amendment are set forth in the draft City Council Ordinance, Exhibit "A" dated **September 21, 2016**, and attached hereto **DENSITY BONUS AMENDMENT – ZCA 16-02/LCPA 16-01**; and


WHEREAS, State Coastal Guidelines requires a six-week public review period for any amendment to the Local Coastal Program; and

WHEREAS, the Planning Commission did on **September 21, 2016**, hold a duly noticed public hearing as prescribed by law to consider said request for a proposed Zoning Ordinance Amendment and Local Coastal Program Amendment; and

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

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

A) That the foregoing recitations

<b>EXHIBIT NO. 1</b>
<b>Resolution</b>
LCP-6-CAR-17-0020-1 (Density Bonus Update)
 California Coastal Commission

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3  
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6  
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- B) At the end of the state-mandated six-week review period for the Local Coastal Program Amendment, starting on **August 23, 2016** and ending on **October 4, 2016** staff shall present to the City Council a summary of the comments received.
- C) That based on the evidence presented at the public hearing, the Planning Commission **RECOMMENDS APPROVAL** of **DENSITY BONUS AMENDMENT – ZCA 16-02/LCPA 16-01**, based on the following findings:

**Findings:**

- 1. That the proposed Zoning Ordinance Amendment **ZCA 16-02** is consistent with the General Plan in that **the proposed amendments implement General Plan Housing Element Program 3.3, which requires the city to ensure consistency with state density bonus law. The amendments are also consistent with the Mobility Element Goal 3-G.4 to “manage parking to support all modes of transportation and ensure efficient use of land.”** Furthermore, the amendments do not conflict with any other goal, objective, or policy of the General Plan.
- 2. That the proposed Zoning Ordinance Amendment reflects sound principles of good planning.
- 3. That the proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies of the Carlsbad Local Coastal Program not being amended by this amendment, in that **the amendments ensure consistency with the Carlsbad Zoning Ordinance and state density bonus law, and does not conflict with any coastal zone regulations, land use designations or policies, with which development must comply.**
- 4. That the proposed amendment to the Carlsbad Local Coastal Program is required to bring it into consistency with **the proposed Zoning Ordinance Amendment (ZCA 16-02).**

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, held on **September 21, 2016**, by the following vote, to wit:

AYES: Commissioners Black, Goyarts, L'Heureux, Segall and Siekmann

NOES: Chairperson Anderson

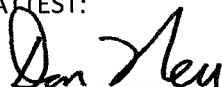
ABSENT: Commissioner Montgomery

ABSTAIN:



VELYN ANDERSON, Chairperson  
CARLSBAD PLANNING COMMISSION

ATTEST:



DON NEU  
City Planner

**ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 21 OF THE CARLSBAD MUNICIPAL CODE TO MAKE THE CITY'S REGULATION OF DENSITY BONUSES CONSISTENT WITH STATE LAW.

CASE NAME: DENSITY BONUS AMENDMENT

CASE NO.: ZCA 16-02/LCPA 16-01

The City Council of the City of Carlsbad, California, ordains as follows:

SECTION 1: That Section 21.86.090 of the Carlsbad Municipal Code is amended to read

as follows:

21.86.090 Density bonus housing standards.

A. Required target dwelling units shall be constructed concurrent with market-rate dwelling units unless both the final decision-making authority of the city and the developer/applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. Whenever feasible, target dwelling units and density bonus dwelling units should be built on-site (within the boundary of the proposed development) and, whenever reasonably possible, be distributed throughout the project site.

C. Whenever feasible, target dwelling units should be located on sites that are in proximity to, or will provide access to, employment opportunities, urban services, or major roads or other transportation and commuter rail facilities (i.e., freeways, bus lines) and that are compatible with adjacent land uses.

D. Whenever feasible, target dwelling units should vary in size and number of bedrooms, in response to affordable housing demand priorities of the city.

E. Density bonus projects shall comply with all applicable development standards, except those which may be modified as an incentive or concession, or as otherwise provided for in this chapter. In addition, all units must conform to the requirements of the applicable building and housing codes. The design of the target dwelling units shall be reasonably consistent or compatible with the design of the total project development in terms of appearance, materials and finished quality.

F. No building permit shall be issued, nor any development approval granted, for a development which does not meet the requirements of this chapter. No target dwelling unit shall be rented or sold except in accordance with this chapter.

G. Upon the request of the applicant, the parking ratio (inclusive of handicap and guest parking) for a housing development that conforms to the requirements of Section 21.86.040(A) of this chapter shall not exceed the ratios specified in Table E or as noted, below. If the applicant does not request the parking ratios specified in this section or the project does not conform to the requirements of Section 21.86.040(A) of this chapter, the parking standards specified in Chapter 21.44 of this code shall apply.

1. If a development includes the maximum percentage of low- or very low income units provided for in Section 21.86.040(A) and is located within one-half mile of a major transit stop, as defined in the state Public Resources Code (subdivision (b) of Section 21155), and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subsection, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

2. If a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in state Health and Safety Code (section 50052.5), then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

a. If the development is located within one-half mile of a major transit stop, as defined in state Public Resources Code (subdivision (b) of Section 21155), and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

b. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with state Civil Code (sections 51.2 and 51.3), the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

c. If the development is a special needs housing development, as defined in state Health and Safety Code (section 51312), the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

3. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded down to the next whole number.

4. For purposes of this section, a housing development may provide "on-site" parking through tandem parking or uncovered parking, but not through on-street parking.

5. The applicant may request parking incentives or concessions beyond those provided in this section, subject to the findings specified in Section 21.86.050(A)(2) of this chapter.

6. Notwithstanding subsections G.1 and G.2 of this section, if the city or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the city may impose a higher vehicular parking ratio not to exceed the ratio described in Table E, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals. The city shall pay the costs of any new study. The city shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

**Table E**  
**Parking Ratio for Housing Developments**

<b>Dwelling Unit Size</b>	<b>On-Site Parking Ratio</b>
0-1 bedrooms	1 space per unit
2-3 bedrooms	2 spaces per unit
4 or more bedrooms	2.5 spaces per unit

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 until approved by the California Coastal Commission.)*

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and thereafter

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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CELIA A. BREWER, City Attorney

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)



**DENSITY BONUS AMENDMENT  
ZCA 16-02/LCPA 16-01**

**PROPOSED TEXT CHANGES TO THE ZONING ORDINANCE (TITLE 21)  
SHOWN IN STRIKETHROUGH/UNDERLINE FORMAT**

**AMENDMENTS TO CHAPTER 21.86  
RESIDENTIAL DENSITY BONUS AND INCENTIVES OR CONCESSIONS**

**Section 21.86.090**

**21.86.090 Density bonus housing standards.**

- A. Required target dwelling units shall be constructed concurrent with market-rate dwelling units unless both the final decision-making authority of the city and the developer/applicant agree within the density bonus housing agreement to an alternative schedule for development.
- B. Whenever feasible, target dwelling units and density bonus dwelling units should be built on-site (within the boundary of the proposed development) and, whenever reasonably possible, be distributed throughout the project site.
- C. Whenever feasible, target dwelling units should be located on sites that are in proximity to, or will provide access to, employment opportunities, urban services, or major roads or other transportation and commuter rail facilities (i.e., freeways, bus lines) and that are compatible with adjacent land uses.
- D. Whenever feasible, target dwelling units should vary in size and number of bedrooms, in response to affordable housing demand priorities of the city.
- E. Density bonus projects shall comply with all applicable development standards, except those which may be modified as an incentive or concession, or as otherwise provided for in this chapter. In addition, all units must conform to the requirements of the applicable building and housing codes. The design of the target dwelling units shall be reasonably consistent or compatible with the design of the total project development in terms of appearance, materials and finished quality.
- F. No building permit shall be issued, nor any development approval granted, for a development which does not meet the requirements of this chapter. No target dwelling unit shall be rented or sold except in accordance with this chapter.
- G. Upon the request of the applicant, the parking ratio (inclusive of handicap and guest parking) for a housing development that conforms to the requirements of Section 21.86.040(A) of this chapter shall not exceed the ratios specified in Table E or as noted, below. If the applicant does not request the parking ratios specified in ~~Table E~~ this section or the project does not conform to the requirements of Section 21.86.040(A) of this chapter, the parking standards specified in Chapter 21.44 of this code shall apply.

- 1. If a development includes the maximum percentage of low- or very low income units provided for in Section 21.86.040(A) and is located within one-half mile of a

EXHIBIT NO. 2

**Proposed Text Changes**

LCP-6-CAR-17-0020-1 (Density Bonus Update)



California Coastal Commission

major transit stop, as defined in the state Public Resources Code (subdivision (b) of Section 21155), and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subsection, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

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c. If the development is a special needs housing development, as defined in state Health and Safety Code (section 51312), the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

13. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded ~~up~~ down to the next whole number.

24. For purposes of this section, a housing development may provide "on-site" parking through tandem parking or uncovered parking, but not through on-street parking.

35. The applicant may request parking incentives or concessions beyond those provided in this section, subject to the findings specified in Section 21.86.050(A)(2) of this chapter.

6. Notwithstanding subsections G.1 and G.2 of this section, if the city or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the city may impose a higher vehicular parking ratio not to exceed the ratio described in Table E, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing

levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals. The city shall pay the costs of any new study. The city shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

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