

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
(619) 767-2370 WWW.COASTAL.CA.GOV



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San Diego Coast District Deputy Director's Report for June 2024

Prepared June 05, 2024 (for the June 14, 2024 Hearing)

To: Commissioners and Interested Parties

From: Karl Schwing, San Diego Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs and local government acceptance of modifications for LCP certification for the San Diego Coast District Office are being reported to the Commission on June 14, 2024. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 14th.

With respect to the June 14th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on June 14, 2024 (see attached)

Waivers

- 6-24-0105-W, Luey ADU (Solana Beach)
- 6-24-0150-W, Wadley Residence and ADU (Solana Beach)
- 6-24-0238-W, Carter ADU (Solana Beach)
- 6-24-0302-W, Caltrans Weigh Station Boring (San Diego County)
- 6-24-0303-W, Barnes Tennis Center Solar Shade Structures (San Diego)

Immaterial Extensions

- A-6-ENC-13-0210-E2, Bolivar Residence (Encinitas)

LCP Certification Review

- LCP-6-CAR-22-0052-2, Carlsbad Zoning Cleanup 2022
- LCP-6-CAR-22-0053-2, Carlsbad Housing Element Implementation

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Coastal Development Permit De Minimis Waiver
6-24-0105-W

This waiver will not become effective until reported to the Commission at its June 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Original on File signed by:

Lindsey Cain
Coastal Program Analyst

cc: Commissioners/File

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May 22, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-24-0150-W

Applicant: Martin and Kirsten Wadley

Location: 312 N. Rios Ave, Solana Beach (San Diego County) (APN(s): 263-362-14)

Proposed Development: Demolition of an existing approximately 1,200 sq. ft. one-story single-family residence and construction of a new approximately 2,200 sq. ft. two-story single-family residence with an attached approximately 500 sq. ft. garage and detached approximately 300 sq. ft. ADU with associated site work including hardscaping, landscaping, walls, and fencing on an approximately 5,900 sq. ft. lot.

Rationale: The project site is not between the sea and the first public road and is located approximately 0.3 miles from the shoreline. The proposed project is in an established residential neighborhood consisting of residences similar in bulk and scale to the proposed development. The project is consistent with the City of Solana Beach's Medium Density Residential zoning designation. The proposed development will not block any public views or impact public access. Adequate parking is provided for the primary residence and no parking is required for the ADU since the project site is within ½ mile of a transit stop. The project is consistent with all zoning and plan designations for the City of Solana Beach and its certified Land Use Plan.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver
6-24-0150-W

This waiver will not become effective until reported to the Commission at its June 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Original on File signed by:

Lindsey Cain
Coastal Program Analyst

cc: Commissioners/File

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May 22, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-24-0238-W

Applicant: Sean Carter

Location: 232 N. Rios Ave, Solana Beach (San Diego County) (APN: 263-371-01)

Proposed Development: Convert an existing approximately 500 sq. ft. guest house to ADU with an approximately 300 sq. ft. addition on a site with an existing 815 sq. ft. single-family residence on an approximately 6,200 sq. ft. lot.

Rationale: The project site is not between the sea and the first public road and is located approximately 0.3 miles from the shoreline. The proposed project is in an established residential neighborhood consisting of residences similar in bulk and scale to the proposed development. The project is consistent with the City of Solana Beach's Medium Density Residential zoning designation. The proposed development will not block any public views or impact public access. Adequate parking is provided for the primary residence and no parking is required for the ADU since the project site is within ½ mile of a transit stop. The project is consistent with all zoning and plan designations for the City of Solana Beach and its certified Land Use Plan. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its June 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

Coastal Development Permit De Minimis Waiver
6-24-0238-W

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Original on File signed by:

Lindsey Cain
Coastal Program Analyst

cc: Commissioners/File

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May 29, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-24-0302-W

Applicant: California Department of Transportation, David Nagy

Location: Interstate-5, Post Mile 66.74, Camp Pendleton, San Diego County

Proposed Development: Caltrans proposes a geotechnical boring within the Interstate-5 right-of-way near the San Onofre Weigh Station (post mile 66.74) in Camp Pendleton. The proposed project proposes a one-time exploratory hollow bore hole to determine the soil type for an exempted sign installation within the Caltrans Interstate-5 right-of-way. The bore hole would measure 6 inches in diameter and 40 feet deep, located within a 20- by 40-foot worksite. The drill rig and support truck will access the bore site from a pull-out along Northbound Interstate-5 and will require a temporary lane closure during ingress and egress from the roadway shoulder. The truck will drive for 1,050 linear feet over non-native vegetation to access the bore location. Prior to ground disturbance and offroad vehicle access, a biological monitor will survey for nesting birds to ensure avoidance, in accordance with Caltrans standard specifications for bird and nesting protection. The soil from the boring will be thinly dispersed over non-native vegetation. The bore hole will be backfilled with cement grout.

Rationale: No impacts to sensitive biological resources will occur as the proposed access route and boring site are located within ruderal vegetation, which will be monitored by a qualified biologist for nesting bird activity prior to vehicle access and ground disturbing activities. Water quality will be protected by thinly dispersing bore hole soils over non-native vegetation within the proposed work site. Caltrans conducted a Cultural Resources record search for the site which indicated no cultural resource sensitivity within or adjacent to the work site. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with past Commission actions in the area and Chapter 3 policies of the California Coastal Act.

Coastal Development Permit Waiver
6-24-0302

This waiver will not become effective until reported to the Commission at its June 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge
Executive Director

DocuSigned by:

Melissa Escaron

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Melissa Escaron

Transportation Program Analyst

cc: Commissioners/File

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May 22, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-24-0303-W

Applicant: Ryan Redondo

Location: 4490 Point Loma Blvd, Peninsula, San Diego (San Diego County)
APN: 449-860-83-00

Proposed Development: Install two approx. 20-ft. tall photovoltaic shade structures (approx. 4,817 sq. ft. and 1910 sq. ft.) over unpaved parking area at Barnes Tennis Center.

Rationale: The project site is between the first public road and the sea, approximately 500 feet from coastal waters. The shade structures will be located within an existing development over an unpaved parking area. The structures will be minimally visible from public areas, will not block public views or encroach on public accessways, and will not result in the loss of any parking spaces. The photovoltaic system will reduce the facility's greenhouse gas emissions. Thus, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.


This waiver will not become effective until reported to the Commission at its June 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Coastal Development Permit De Minimis Waiver
6-24-0303-W

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Original on File signed by:

DocuSigned by:

633E996CE0CA4B3...

Alexander Llerandi
Coastal Program Analyst

cc: Commissioners/File

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May 24, 2024

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that 132 Neptuno LLC (c/o Ignacio Bolivar) has applied for a one year extension of A-6-ENC-13-0210 granted by the California Coastal Commission on November 5, 2020

for: Request by 132 Neptuno LLC to set aside the July 13, 2016 approval and either revise or delete Special Condition 3(b), regarding removal of structures in the event of hazardous situations, in compliance with remand by the Superior Court of California, San Diego County (Case No. 37-2016-00026574-CU-WM-NC), to allow construction of a new 2-story, 3,553 sq. ft. home with a 950 sq. ft. garage over a 1,355 sq. ft. basement on an existing 6,776 sq. ft. vacant lot; installation of 17 (12 in. diameter) piers at a depth of 18 inches to support planter boxes; above ground spa

at: 132 Neptune Ave., Encinitas (San Diego County) (APN(s): 256-371-14).

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

Kate Huckelbridge
Executive Director

Camila Pauda

Camila Pauda
Coastal Program Analyst

cc: Commissioners/File

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F12

Prepared May 30, 2024 (for June 14, 2024 Hearing)

To: Commissioners and Interested Persons

From: Kate Huckelbridge, Executive Director
Kaitlin Carney, District Supervisor, San Diego Coast District
Chelsea Jander, Coastal Planner, San Diego Coast District

Subject: Certification Review for City of Carlsbad LCP Amendment Number LCP-6-CAR-22-0052-2 (Zoning Cleanup 2022)

On February 8, 2024, the California Coastal Commission considered a proposed City of Carlsbad LCP amendment (LCP-6-CAR-22-0052-2) designed to amend the City's certified LCP Implementation Plan with various text changes and corrections to the municipal code relating to grading permit exemptions, density provisions, building height and setbacks, building separation zones, family home day care requirements, mobile home policies, personal services, employee housing, small wireless facilities, and other code changes. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Carlsbad considered the Commission's conditional certification on April 9, 2024, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications.

The Executive Director has reviewed the City's April 9, 2024 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on June 14, 2024 as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9am on June 14th, and the District Director's Report is item number 12 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the San Diego Coast District Director's Report, the amended LCP will be

certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

ORDINANCE NO. CS-470

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, ACKNOWLEDGING RECEIPT OF AND APPROVING THE
CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO THE
LOCAL COASTAL PROGRAM (ZONING ORDINANCE) FOR ZCA 2022-0001/
LCPA 2022-13 AND ZCA 2022-0002/LCPA 2022-14

WHEREAS, on May 10, 2022, the City Council adopted Ordinance No. CS-422, approving ZCA 2022-0001/LCPA 2022-0013 – Housing Element Program Implementation; and

WHEREAS, on Sept. 13, 2022, the City Council adopted Ordinance No. CS-432, approving ZCA 2022-0002/LCPA 2022-0014 –2022 Zoning Ordinance Cleanup; and

WHEREAS, the Carlsbad Zoning Ordinance is the implementing ordinance of the Carlsbad Local Coastal Program, and therefore, an amendment to the Zoning Ordinance also constitutes an amendment to the Local Coastal Program; and

WHEREAS, the California Coastal Act requires Coastal Commission certification of any local coastal program amendment; and

WHEREAS, on Feb. 8, 2024, the California Coastal Commission approved the city's Local Coastal Program Amendments (LCPA 2022-0013 and LCPA 2022-0014) with suggested modifications; and

WHEREAS, the California Coastal Commission's approval of LCPA 2022-0013 and LCPA 2022-0014 will not become effective until the Commission certifies that the city has amended its Local Coastal Program pursuant to the Commission's suggested modifications; and

WHEREAS, on April 9, 2024, the City Council held a duly noticed public hearing as prescribed by law to consider the Coastal Commission's suggested modifications.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, ordains as follows that:

1. The above recitations are true and correct.
2. Carlsbad Municipal Code Section 21.26.015.A is amended to read as follows:
 - A. Residential uses are allowed either vertically, meaning within the same building, or horizontally, meaning within a separate building on the same site. Residential uses must be accessory to the nonresidential uses permitted by Section 21.26.010 of this title.
3. Carlsbad Municipal Code Section 21.28.015.A is amended to read as follows:

- A. Residential uses are allowed either vertically, meaning within the same building, or horizontally, meaning within a separate building on the same site. Residential uses must be accessory to the nonresidential uses permitted by Section 21.26.010 of this title.
- 4. Carlsbad Municipal Code Section 21.31.065.A is amended to read as follows:
 - B. Residential uses are allowed either vertically, meaning within the same building, or horizontally, meaning within a separate building on the same site. Residential uses must be accessory to the nonresidential uses permitted by Section 21.26.010 of this title.
- 5. Carlsbad Municipal Code Section 21.37.010.A is amended to read as follows:
 - A. The intent and purpose of the mobile home park zone is to:
 - 1. Provide locations where mobile homes and mobile home parks may be established, maintained and protected;
 - 2. Provide a means to regulate and control the conversion of existing mobile home parks to another use;
 - 3. Promote and encourage an orderly residential environment with appropriate physical amenities; and
 - 4. Implement the goals and objectives of the general plan, including all residential land use designations and the housing element, consistent with the coastal resource policies set forth in the certified Local Coastal Program.
- 6. Carlsbad Municipal Code Section 21.37.090.A is amended to read as follows:
 - A. The following design criteria shall apply to all mobile home parks to the extent permitted according to California Health and Safety Code Section 18200, et seq. and Section 18860 et seq., respectively:
 - 1. The overall plan shall be comprehensive, embracing land, buildings for common use or park service and maintenance, landscaping and their interrelationships, and shall conform to adopted plans for all governmental agencies for the area in which the proposed development is located;
 - 2. The plan shall provide for adequate circulation, off-street parking, open recreational areas and other pertinent amenities. Buildings, structures and facilities for common use in the park or for service and maintenance of the park shall be well integrated, oriented and related to the topographic and natural landscape features of the site;
 - 3. The proposed development shall be compatible with existing and planned land use and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood or community; and

4. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.
7. Carlsbad Municipal Code Section 21.53.120.B is amended to read as follows:
 - B. Development Standards.
 1. The development (both for multi-family residential and affordable housing) shall be subject to the development standards of the zone in which the development is located and/or any applicable specific or master plan except for affordable housing projects as expressly modified by the site development plan. The site development plan for affordable housing projects may allow less restrictive development standards than specified in the underlying zone or elsewhere provided that the project is in conformity with the general plan and adopted policies and goals of the city, it would have no detrimental effect on public health, safety and welfare, and, in the coastal zone, any project processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density. The decision-making authority for the site development plan and any other associated permits, other than coastal development permits, shall require only objective requirements that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards shall be consistent with the Zoning Ordinance, General Plan, any applicable Master or Specific Plan, certified Local Coastal Program, and the Government Code of the State of California.
8. Carlsbad Municipal Code Section 21.53.260 is amended to read as follows:

21.53.260 Small wireless facilities (SWF).

 - A. Small wireless facilities shall comply with all applicable city requirements and the certified Local Coastal Program. An application for a SWF located on public or private property may be processed as a building permit, and an application for a SWF located within the public right-of-way of roads may be processed as a right-of-way permit. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.
 - B. Small wireless facilities between the first public roadway and the ocean or lagoons shall not create significant impacts to public views from scenic corridors, scenic public view areas, public paths, bikeways, beaches and public recreational facilities, and shall not require the construction of shoreline protective devices. If there is no feasible alternative that can comply with this requirement without resulting in a significant gap in communication coverage, then the alternative

that would result in the fewest or least significant impacts to public views, public access and recreation, and shoreline processes shall be selected.

EFFECTIVE DATE: This ordinance shall be effective either thirty days after its adoption, or upon the date the Executive Director of the California Coastal Commission certifies that implementation of LCPA 2022-0013 and LCPA 2022-0014 will be consistent with the Coastal Commission's approval of the Local Coastal Program amendments with suggested modifications, whichever occurs later. 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.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 9th day of April, 2024, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 16th day of April, 2024, by the following vote, to wit:

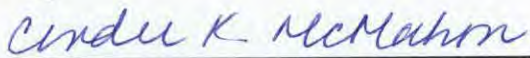
AYES: BLACKBURN, BHAT-PATEL, ACOSTA, BURKHOLDER, LUNA.

NAYS: NONE.

ABSTAIN: NONE.

ABSENT: NONE.

APPROVED AS TO FORM AND LEGALITY:




CINDIE K. McMAHON, City Attorney





KEITH BLACKBURN, Mayor



SHERRY FREISINGER, City Clerk
(SEAL)

Memorandum

May 22, 2024

To: Faviola Medina, City Clerk Services Director
From: Eric Lardy, City Planner *EL*
Re: **Correction to City Council Ordinance No. CS-470**

The following summarizes an error to City Council Ordinance No. CS-470, which was determined by the City Attorney's office and City Clerk's office to be a clerical error that could be corrected administratively.

- Ordinance No. CS-470 was introduced on April 9, 2024 and adopted on April 16, 2024.
 - The purpose of the ordinance, as stated in the staff report and the ordinance, is to accept and approve the Coastal Commission's suggested modifications to previously approved Ordinances CS-422 and CS-432.
 - The error in Ordinance CS-470 is the inclusion of the following highlighted text:

8. Carlsbad Municipal Code Section 21.53.260 is amended to read as follows:

21.53.260 Small wireless facilities (SWF).

A. Small wireless facilities shall comply with all applicable city requirements and the certified Local Coastal Program. An application for a SWF located on public or private property may be processed as a building permit, and an application for a SWF located within the public right-of-way of roads may be processed as a right-of-way permit pursuant to Title 11 of the Carlsbad Municipal Code. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.
 - The Coastal Commission suggested modifications (Attachment 6 to the [April 9, 2024 City Council Staff Report](#)) shows that the intent was to delete the text highlighted above, as shown below.
3. Modify IP Section 21.53.260 (Small wireless facilities) as follows:
- (a) Small wireless facilities shall comply with all applicable city requirements and certified Local Coastal Program ~~city council policy statement No. 64~~. An application for an SWF located on public or private property may be processed as a building permit, and an application for an SWF located within the public

right-of-way of roads may be processed as a right-of-way permit pursuant to Title 11 of the Carlsbad Municipal Code. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.

- As shown below, Attachment 4 to the [April 9, 2024 City Council Staff Report](#) mistakenly showed the highlighted text as text to be added (with an underline) when it should have been shown as text to be deleted (with a strike-out), per the Coastal Commission's suggested modifications.

3. Modify Zoning Ordinance Section 21.53.260 as follows:

21.53.260 Small wireless facilities (SWF).

A. Small wireless facilities shall comply with all applicable city requirements and the certified Local Coastal Program City Council Policy Statement No. 64. An application for an SWF located on public or private property may be processed as a building permit, and an application for an SWF located within the public right-of-way of roads may be processed as a right-of-way permit pursuant to Title 11 of the Carlsbad Municipal Code. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.

The highlighted text is not new text, as it exists per Ordinance No. CS-432, and the Coastal Commission's suggested modifications show that the text was intended to be deleted. The error was carried over to Ordinance No. CS-470, which retained the highlighted text when it should have been deleted.

On May 22, 2024, Allegra Frost, Senior Assistant City Attorney, and Faviola Medina, City Clerk Services Director, reviewed the information summarized above and determined the error was clerical and could be corrected administratively, as the [April 9, 2022 City Council Staff Report](#) and Ordinance No. CS-470 both state that the intent of the ordinance is to approve the Coastal Commission's suggested modifications (Attachment 6 to the [April 9, 2024 City Council Staff Report](#)). In addition, Faviola further confirmed with the city's code publisher that the error is a "scrivener's" error and does not require a new ordinance to correct.

cc: Allegra Frost, Senior Assistant City Attorney
Robert Efird, Principal Planner
Jennifer Jesser, Senior Planner

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



F12

Prepared May 30, 2024 (for June 14, 2024 Hearing)

To: Commissioners and Interested Persons

From: Kate Huckelbridge, Executive Director
Kaitlin Carney, District Supervisor, San Diego Coast District
Chelsea Jander, Coastal Planner, San Diego Coast District

Subject: Certification Review for City of Carlsbad LCP Amendment Number LCP-6-CAR-22-0053-2 (Housing Element Program Implementation)

On February 8, 2024, the California Coastal Commission considered a proposed City of Carlsbad LCP amendment (LCP-6-CAR-22-0053-2) designed to amend the City's certified LCP Implementation Plan to add and update various sections regarding objective design standards for affordable multi-family residential projects. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Carlsbad considered the Commission's conditional certification on April 9, 2024, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications.

The Executive Director has reviewed the City's April 9, 2024 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on June 14, 2024 as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9am on June 14th, and the District Director's Report is item number 12 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the San Diego Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

ORDINANCE NO. CS-470

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, ACKNOWLEDGING RECEIPT OF AND APPROVING THE
CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO THE
LOCAL COASTAL PROGRAM (ZONING ORDINANCE) FOR ZCA 2022-0001/
LCPA 2022-13 AND ZCA 2022-0002/LCPA 2022-14

WHEREAS, on May 10, 2022, the City Council adopted Ordinance No. CS-422, approving ZCA 2022-0001/LCPA 2022-0013 – Housing Element Program Implementation; and

WHEREAS, on Sept. 13, 2022, the City Council adopted Ordinance No. CS-432, approving ZCA 2022-0002/LCPA 2022-0014 –2022 Zoning Ordinance Cleanup; and

WHEREAS, the Carlsbad Zoning Ordinance is the implementing ordinance of the Carlsbad Local Coastal Program, and therefore, an amendment to the Zoning Ordinance also constitutes an amendment to the Local Coastal Program; and

WHEREAS, the California Coastal Act requires Coastal Commission certification of any local coastal program amendment; and

WHEREAS, on Feb. 8, 2024, the California Coastal Commission approved the city's Local Coastal Program Amendments (LCPA 2022-0013 and LCPA 2022-0014) with suggested modifications; and

WHEREAS, the California Coastal Commission's approval of LCPA 2022-0013 and LCPA 2022-0014 will not become effective until the Commission certifies that the city has amended its Local Coastal Program pursuant to the Commission's suggested modifications; and

WHEREAS, on April 9, 2024, the City Council held a duly noticed public hearing as prescribed by law to consider the Coastal Commission's suggested modifications.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, ordains as follows that:

1. The above recitations are true and correct.
2. Carlsbad Municipal Code Section 21.26.015.A is amended to read as follows:
 - A. Residential uses are allowed either vertically, meaning within the same building, or horizontally, meaning within a separate building on the same site. Residential uses must be accessory to the nonresidential uses permitted by Section 21.26.010 of this title.
3. Carlsbad Municipal Code Section 21.28.015.A is amended to read as follows:

- A. Residential uses are allowed either vertically, meaning within the same building, or horizontally, meaning within a separate building on the same site. Residential uses must be accessory to the nonresidential uses permitted by Section 21.26.010 of this title.
- 4. Carlsbad Municipal Code Section 21.31.065.A is amended to read as follows:
 - B. Residential uses are allowed either vertically, meaning within the same building, or horizontally, meaning within a separate building on the same site. Residential uses must be accessory to the nonresidential uses permitted by Section 21.26.010 of this title.
- 5. Carlsbad Municipal Code Section 21.37.010.A is amended to read as follows:
 - A. The intent and purpose of the mobile home park zone is to:
 - 1. Provide locations where mobile homes and mobile home parks may be established, maintained and protected;
 - 2. Provide a means to regulate and control the conversion of existing mobile home parks to another use;
 - 3. Promote and encourage an orderly residential environment with appropriate physical amenities; and
 - 4. Implement the goals and objectives of the general plan, including all residential land use designations and the housing element, consistent with the coastal resource policies set forth in the certified Local Coastal Program.
- 6. Carlsbad Municipal Code Section 21.37.090.A is amended to read as follows:
 - A. The following design criteria shall apply to all mobile home parks to the extent permitted according to California Health and Safety Code Section 18200, et seq. and Section 18860 et seq., respectively:
 - 1. The overall plan shall be comprehensive, embracing land, buildings for common use or park service and maintenance, landscaping and their interrelationships, and shall conform to adopted plans for all governmental agencies for the area in which the proposed development is located;
 - 2. The plan shall provide for adequate circulation, off-street parking, open recreational areas and other pertinent amenities. Buildings, structures and facilities for common use in the park or for service and maintenance of the park shall be well integrated, oriented and related to the topographic and natural landscape features of the site;
 - 3. The proposed development shall be compatible with existing and planned land use and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood or community; and

4. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.
7. Carlsbad Municipal Code Section 21.53.120.B is amended to read as follows:
 - B. Development Standards.
 1. The development (both for multi-family residential and affordable housing) shall be subject to the development standards of the zone in which the development is located and/or any applicable specific or master plan except for affordable housing projects as expressly modified by the site development plan. The site development plan for affordable housing projects may allow less restrictive development standards than specified in the underlying zone or elsewhere provided that the project is in conformity with the general plan and adopted policies and goals of the city, it would have no detrimental effect on public health, safety and welfare, and, in the coastal zone, any project processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density. The decision-making authority for the site development plan and any other associated permits, other than coastal development permits, shall require only objective requirements that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards shall be consistent with the Zoning Ordinance, General Plan, any applicable Master or Specific Plan, certified Local Coastal Program, and the Government Code of the State of California.
8. Carlsbad Municipal Code Section 21.53.260 is amended to read as follows:

21.53.260 Small wireless facilities (SWF).

 - A. Small wireless facilities shall comply with all applicable city requirements and the certified Local Coastal Program. An application for a SWF located on public or private property may be processed as a building permit, and an application for a SWF located within the public right-of-way of roads may be processed as a right-of-way permit. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.
 - B. Small wireless facilities between the first public roadway and the ocean or lagoons shall not create significant impacts to public views from scenic corridors, scenic public view areas, public paths, bikeways, beaches and public recreational facilities, and shall not require the construction of shoreline protective devices. If there is no feasible alternative that can comply with this requirement without resulting in a significant gap in communication coverage, then the alternative

that would result in the fewest or least significant impacts to public views, public access and recreation, and shoreline processes shall be selected.

EFFECTIVE DATE: This ordinance shall be effective either thirty days after its adoption, or upon the date the Executive Director of the California Coastal Commission certifies that implementation of LCPA 2022-0013 and LCPA 2022-0014 will be consistent with the Coastal Commission's approval of the Local Coastal Program amendments with suggested modifications, whichever occurs later. 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.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 9th day of April, 2024, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 16th day of April, 2024, by the following vote, to wit:

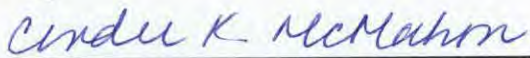
AYES: BLACKBURN, BHAT-PATEL, ACOSTA, BURKHOLDER, LUNA.

NAYS: NONE.

ABSTAIN: NONE.

ABSENT: NONE.

APPROVED AS TO FORM AND LEGALITY:




CINDIE K. McMAHON, City Attorney





KEITH BLACKBURN, Mayor



SHERRY FREISINGER, City Clerk
(SEAL)

Memorandum

May 22, 2024

To: Faviola Medina, City Clerk Services Director
From: Eric Lardy, City Planner *EL*
Re: **Correction to City Council Ordinance No. CS-470**

The following summarizes an error to City Council Ordinance No. CS-470, which was determined by the City Attorney's office and City Clerk's office to be a clerical error that could be corrected administratively.

- Ordinance No. CS-470 was introduced on April 9, 2024 and adopted on April 16, 2024.
- The purpose of the ordinance, as stated in the staff report and the ordinance, is to accept and approve the Coastal Commission's suggested modifications to previously approved Ordinances CS-422 and CS-432.
- The error in Ordinance CS-470 is the inclusion of the following highlighted text:
8. Carlsbad Municipal Code Section 21.53.260 is amended to read as follows:
21.53.260 Small wireless facilities (SWF).
A. Small wireless facilities shall comply with all applicable city requirements and the certified Local Coastal Program. An application for a SWF located on public or private property may be processed as a building permit, and an application for a SWF located within the public right-of-way of roads may be processed as a right-of-way permit pursuant to Title 11 of the Carlsbad Municipal Code. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.
- The Coastal Commission suggested modifications (Attachment 6 to the [April 9, 2024 City Council Staff Report](#)) shows that the intent was to delete the text highlighted above, as shown below.
3. Modify IP Section 21.53.260 (Small wireless facilities) as follows:
(a) Small wireless facilities shall comply with all applicable city requirements and certified Local Coastal Program ~~city council policy statement No. 64~~. An application for an SWF located on public or private property may be processed as a building permit, and an application for an SWF located within the public

right-of-way of roads may be processed as a right-of-way permit pursuant to Title 11 of the Carlsbad Municipal Code. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.

- As shown below, Attachment 4 to the [April 9, 2024 City Council Staff Report](#) mistakenly showed the highlighted text as text to be added (with an underline) when it should have been shown as text to be deleted (with a strike-out), per the Coastal Commission's suggested modifications.

3. Modify Zoning Ordinance Section 21.53.260 as follows:

21.53.260 Small wireless facilities (SWF).

A. Small wireless facilities shall comply with all applicable city requirements and the certified Local Coastal Program City Council Policy Statement No. 64. An application for an SWF located on public or private property may be processed as a building permit, and an application for an SWF located within the public right-of-way of roads may be processed as a right-of-way permit pursuant to Title 11 of the Carlsbad Municipal Code. For a SWF located in the Coastal Zone, a coastal development permit may be required pursuant to Chapter 21.201.

The highlighted text is not new text, as it exists per Ordinance No. CS-432, and the Coastal Commission's suggested modifications show that the text was intended to be deleted. The error was carried over to Ordinance No. CS-470, which retained the highlighted text when it should have been deleted.

On May 22, 2024, Allegra Frost, Senior Assistant City Attorney, and Faviola Medina, City Clerk Services Director, reviewed the information summarized above and determined the error was clerical and could be corrected administratively, as the [April 9, 2022 City Council Staff Report](#) and Ordinance No. CS-470 both state that the intent of the ordinance is to approve the Coastal Commission's suggested modifications (Attachment 6 to the [April 9, 2024 City Council Staff Report](#)). In addition, Faviola further confirmed with the city's code publisher that the error is a "scrivener's" error and does not require a new ordinance to correct.

cc: Allegra Frost, Senior Assistant City Attorney
Robert Efird, Principal Planner
Jennifer Jesser, Senior Planner