

ORDINANCE NO. CS-448

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA,
APPROVING AN AMENDMENT TO THE ZONING ORDINANCE, TITLE 21 OF THE
CARLSBAD MUNICIPAL CODE, TO IMPLEMENT A PORTION OF OBJECTIVE G OF
HOUSING ELEMENT PROGRAM 1.3 - ALTERNATIVE HOUSING AND OBJECTIVE
H OF HOUSING ELEMENT PROGRAM 2.13 - HOUSING FOR PERSONS
EXPERIENCING HOMELESSNESS

CASE NAME: ALTERNATIVE AND TEMPORARY HOUSING AMENDMENTS 2023

CASE NO: ZCA 2023-0002/LCPA 2023-0018 (DEV 2023-0040)

WHEREAS, the City Council adopted an update to the General Plan Housing Element on April 6, 2021; and

WHEREAS, on July 13, 2021, the State Department of Housing and Community Development certified the city's adopted Housing Element as consistent with state law; and

WHEREAS, the certified Housing Element contains programs, further broken down into objectives, that identify specific actions the city must implement on an ongoing basis or by specific due dates; and

WHEREAS, to implement Housing Element program objectives 1.3 g., Alternative Housing and 2.13 h., Housing for Persons Experiencing Homelessness, the City Planner has prepared amendments to the Zoning Ordinance (Title 21 of the Carlsbad Municipal Code) and to the Local Coastal Program (ZCA 2023-0002/LCPA 2023-0018) pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, on April 5, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider ZCA 2023-0002/LCPA 2023-0018; and

WHEREAS the Planning Commission adopted Planning Commission Resolution No. 7476 recommending to the City Council that ZCA 2023-0002/LCPA 2023-0018 be approved; and

WHEREAS, on May 4, 2023, the Airport Land Use Commission reviewed and found that the proposed Zone Code Amendment is consistent with the adopted McClellan-Palomar Airport Land Use Compatibility Plan; and

WHEREAS the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider ZCA 2023-0002/LCPA 2023-0018; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to ZCA 2023-0002/LCPA 2023-0018; and

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

1. The above recitations are true and correct.
2. That the findings of the Planning Commission in Planning Commission Resolution No. 7476 shall also constitute the findings of the City Council.
3. That Chapter 21.04 "Definitions" Sections 21.04.055 and 21.04.140.5 of the Carlsbad Municipal Code is amended as shown below:

21.04.055 Boardinghouse. "Boardinghouse" means a building with more than four guest rooms where lodging and meals are provided for compensation but does not include rest homes, bed and breakfast uses, employee housing, convalescent homes, or group homes.

21.04.140.5 Emergency shelter. "Emergency shelter" means year-round housing with minimal supportive services for homeless persons or families with occupancy limited to six months or less by homeless persons. An Emergency Shelter can also be inclusive of the interim interventions of navigation center, bridge housing, and respite or recuperative care (defined in Government Code 65583 (a)(4)(C), as of January 1, 2023) and as a Low Barrier Navigation Center defined in CMC 21.04.264.

4. That Chapter 21.04 "Definitions" Sections 21.04.163 and 21.04.264 of the Carlsbad Municipal Code is added to read as follows:

21.04.163 Group Homes. "Group homes" means housing being used as a supportive living environment shared and used by persons who are considered handicapped under state or federal law. Group Homes may serve children, the elderly or chronically ill, mentally disabled individuals, or adults recovering from or being treated for alcohol or drug addiction. A group home operated by a single operator or service provider (whether licensed or unlicensed) can include residential care facilities, supportive housing, transitional housing and other similar communal housing facilities but does not include boardinghouses. A group home that does not require state licensing or does require state licensing but serves six or fewer persons, is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

21.04.264 Low Barrier Navigation Center. “Low Barrier Navigation Center” means any housing first shelter focused on moving people into permanent housing that provides temporary living facilities as outlined in Government Code 65660 as of January 1, 2023.

5. The permitted use tables in each of the following sections for zones R-A, R-E, R-1, R-2, R-3, R-P, R-T, R-W, RD-M and RMHP is amended by the addition of the following use listing:

21.08.020 Permitted uses, Table A.
 21.09.020 Permitted uses, Table A.
 21.10.020 Permitted uses, Table A.
 21.12.020 Permitted uses, Table A.
 21.16.020 Permitted uses, Table A.
 21.18.020 Permitted uses when the R-P Zone implements the “RMH” or “RH” General Plan Land Use Designations, Table B.
 21.20.010 Permitted uses, Table A.
 21.22.020 Permitted uses, Table A.
 21.24.020 Permitted uses, Table A.
 21.37.020 Permitted uses, Table A.

Use	P	CUP	Acc
Group homes (serving six or fewer persons and requiring state licensing) (defined: Section 21.04.163)	X		
Group homes (state licensing not required) (defined: Section 21.04.163)	X		
Group homes (serving seven or more persons and requiring state licensing) (defined: Section 21.04.163)		X	

6. The permitted use tables in each of the following sections for zones C-1, C-2 and C-3 are amended by the addition of the following use listing:

21.26.010 Permitted uses, Table A.
 21.28.010 Permitted uses, Table A.
 21.31.010 Permitted uses, Table A.

Use	P	CUP	Acc
Group homes (serving seven or more persons and requiring state licensing) (defined: Section 21.04.163)		X	

7. The permitted use tables in each of the following sections for zones R-2, R-3, R-P, R-T, RD-M and RMHP are amended by the addition of the following use listing:

Section 21.12.020 Permitted uses, Table A

Section 21.16.020 Permitted uses, Table A

Section 21.18.020 Permitted uses when the R-P Zone implements the "RMH" or "RH" General Plan Land Use Designations, Table B

Section 21.20.020 Permitted uses, Table A

Section 21.24.020 Permitted uses, Table A

Section 21.37.020 Permitted uses, Table A

Use	P	CUP	Acc
Low Barrier Navigation Center (defined: section 21.04.264)	X		

8. The permitted use tables in each of the following sections for zones R-A, R-E, R-1, R-2, R-3, R-P, R-T, R-W, RD-M and RMHP, are amended by the addition of the new use listing as shown below:

21.08.020 Permitted uses, Table A.

21.09.020 Permitted uses, Table A.

21.10.020 Permitted uses, Table A.

21.12.020 Permitted uses, Table A.

21.16.020 Permitted uses, Table A.

21.18.020 Permitted uses when the R-P Zone implements the "RMH" or "RH" General Plan Land Use Designations, Table B.

21.20.010 Permitted uses, Table A.

21.22.020 Permitted uses, Table A.

21.24.020 Permitted uses, Table A.

21.37.020 Permitted uses, Table A.

Use	P	CUP	Acc
Residential care facilities (serving seven or more persons) (defined: Section 21.04.300)		X	

9. That Section 21.26.015 (Residential uses in the C-1 Neighborhood Commercial Zone) subsection D is amended to read follows:

21.26.015 Residential uses.

D. Residential uses shall include low barrier navigation centers, group homes serving six or fewer persons and require state licensing including, but not limited to, residential care facilities (serving six or fewer

persons), and group homes that do not require state licensing including, but not limited to, supportive housing and transitional housing.

10. That Section 21.28.015 (Residential uses in the C-2 General Commercial Zone) subsection D is amended to read follows:

21.28.015 Residential uses.

D. Residential uses shall include low barrier navigation centers, group homes serving six or fewer persons and require state licensing including, but not limited to, residential care facilities (serving six or fewer persons), and group homes that do not require state licensing including, but not limited to, supportive housing and transitional housing.

11. That Section 21.31.015 (Residential uses in the C-L Local Shopping Center Zone) subsection D is amended to read follows:

21.31.065 Residential uses.

D. Residential uses shall include low barrier navigation centers, group homes serving six or fewer persons and require state licensing including, but not limited to, residential care facilities (serving six or fewer persons), and group homes that do not require state licensing including, but not limited to, supportive housing and transitional housing.

12. That Section 21.42.140 (Development standards and special regulations for Minor Conditional Use Permits and Conditional Use Permits) is amended by the addition of the following development standards for group homes:

Section 21.42.140 (71) Group Homes (providing services to seven or more persons and requiring state licensing)

- a. Facilities shall comply with all the rules, regulations and standards required by the State Department of Social Services.
- b. Facilities shall meet current California Code of Regulations (Title 24) for occupancy, as defined.
- c. Facilities shall provide off-street parking as required in Chapter 21.44 of this title.

- d. Additional requirements and restrictions may be imposed as determined necessary by the decision-making authority to ensure facilities meet the findings stated in Section 21.42.030. These requirements and restrictions may include provisions regarding but not limited to the following items:
- i. Hours of operation, such as for deliveries and other services;
 - ii. Noise;
 - iii. Lighting;
 - iv. Location and screening of parking, service, and other outdoor areas;
 - v. Security; and/or
 - vi. Loitering.

13. Table A of Section 21.44.020 (Number of off-street parking spaces required) is amended by the following parking standards for the new use listing:

Use		Number of Off-Street Parking Spaces
Residential Uses	Group homes (that: 1. do not require state licensing, or 2. require state licensing to provide services to six or fewer persons)	Two Spaces per unit, provided as either: *A Two-car garage (minimum interior 20 feet x 20 feet); or *Two Separate one-car garages (minimum interior 12 feet x 20 feet each)
	Group homes (serving seven or more persons and requiring state licensing)	The number of required parking spaces shall be determined by the city planner and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: 1. Employees, 2. Beds, and 3. Service deliveries
	Residential care facilities (serving six or fewer persons)	Two spaces per unit, provided as either: A two-car garage (minimum interior 20 feet x 20 feet); or Two separate one-car garages (minimum interior 12 feet x 20 feet each)
	Residential care facilities (serving seven or more persons)	The number of required parking spaces shall be determined by the city planner and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of, 1. Employees, 2. Beds, and 3. Service deliveries

EFFECTIVE DATE OF THIS ORDINANCE APPLICABLE TO PROPERTIES OUTSIDE THE COASTAL ZONE:

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.

EFFECTIVE DATE OF THIS ORDINANCE APPLICABLE TO PROPERTIES INSIDE THE COASTAL ZONE:

This ordinance shall be effective thirty days after its adoption or upon Coastal Commission approval of LCPA 2023-0018, whichever occurs later; 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.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 23rd day of May, 2023, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 6th day of June, 2023, by the following vote, to wit:

AYES: Blackburn, Bhat-Patel, Acosta, Burkholder, Luna.

NAYS: None.

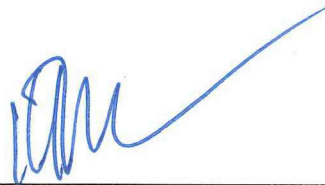
ABSTAIN: None.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:



CINDIE K. McMAHON, City Attorney



KEITH BLACKBURN, Mayor



for SHERRY FREISINGER, City Clerk
(SEAL)

