

ORDINANCE NO. CS-422

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, ADOPTING AMENDMENTS TO THE CARLSBAD MUNICIPAL
CODE TITLE 18 (BUILDING CODE) AND TITLE 21 (ZONING ORDINANCE)
IMPLEMENTING CERTAIN HOUSING PROGRAMS REQUIRED UNDER THE
2021-2029 HOUSING ELEMENT

WHEREAS, on Aug. 6, 2021 the City Council approved the city's Housing Element, and subsequently on July 13, 2021 the California Department of Housing and Community Development found the adopted Housing Element to be in substantial compliance with applicable laws; and

WHEREAS, the Housing Element includes Goals, Policies, Programs and Objectives that are required to be implemented to ensure continued compliance throughout the sixth cycle of the Housing Element to cover the period from 2021 to 2029; and

WHEREAS, the City Planner, has prepared a proposed amendment to the Zone Code and Local Coastal Program pursuant to Chapter 21.52 of the Carlsbad Municipal Code to implement three programs approved in the Housing Element of the General Plan; and

WHEREAS, on March 2, 2022, the Planning Commission held a duly noticed public hearing as prescribed by law to consider ZCA 2022-0001/ LCPA 2022-0013; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 7441 recommending to the City Council that ZCA 2022-0001/ LCPA 2022-0013 be approved; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, ordains as follows that:

1. The above recitations are true and correct.
2. The findings in Planning Commission Resolution No. 7441 shall also constitute the findings of the City Council.
3. Carlsbad Municipal Code Section 18.04.045

Section 110.4 of the California Building Code is amended to read as follows:

INSPECTION AGENCIES. The building official is authorized to accept reports of approved inspection agencies, licensed Engineers, licensed contractors or other qualified individuals, provided that such agencies, licensed professionals or individuals satisfy the requirements as to qualifications and reliability.

4. Carlsbad Municipal Code Section 18.20.050 is amended to read as follows:

Section 109.2 of the California Residential Code is amended to read as follows:

INSPECTION AGENCIES. The building official is authorized to accept reports of approved inspection agencies, licensed Engineers, licensed contractors or other qualified individuals, provided such agencies, licensed Engineers, licensed contractors or qualified individuals satisfy the requirements as to qualifications and reliability.

5. Carlsbad Municipal Code Section 21.26.015 is amended to read as follows:

Mixed use developments that propose residential uses in combination with commercial uses shall comply with the following requirements.

- 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.
- B. Residential uses shall be subject to the requirements of the chapters of this title, which include but are not limited to, Chapter 21.26, Chapter 21.44, and in the case of airspace subdivisions, Chapter 21.47.
- C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per Table 2-4 of the general plan land use and community design element, subject to approval of a site development plan processed in accordance with Chapter 21.06 of this title.
 - 1. Density and yield of residential uses shall be determined consistent with the residential density calculations and residential development restrictions in Section 21.53.230 of this title and shall be based on 25% of the developable area. Unit yield in excess of the minimum shall be subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at least one dwelling unit in a mixed use development.
 - 2. Residential uses shall be accessory to the primary commercial use of the site. Compliance with this provision shall be evaluated as part of the site development plan.
- D. Residential uses shall include residential care facilities (serving six or fewer persons), supportive housing, and transitional housing.

6. Carlsbad Municipal Code Section 21.28.015 is amended to read as follows:

Mixed use developments that propose residential uses in combination with commercial uses shall comply with the following requirements.

- 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 21.28.010 of this title.
- B. Residential uses shall be subject to the requirements of the chapters of this title, which include but are not limited to, Chapter 21.28, Chapter 21.44, and in the case of airspace subdivisions, Chapter 21.47.
- C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per Table 2-4 of the general plan land use and community design element, subject to approval of a site development plan processed in accordance with Chapter 21.06 of this title.
 - 1. Density and yield of residential uses shall be determined consistent with the residential density calculations and residential development restrictions in Section 21.53.230 of this title and shall be based on 25% of the developable area. Unit yield in excess of the minimum shall be subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at least one dwelling unit in a mixed use development.

2. Residential uses shall be accessory to the primary commercial use of the site. Compliance with this provision shall be evaluated as part of the site development plan.
- D. Residential uses shall include residential care facilities (serving six or fewer persons), supportive housing, and transitional housing.

7. Carlsbad Municipal Code Section 21.31.015 is amended to read as follows:

Mixed use developments that propose residential uses in combination with commercial uses shall comply with the following requirements.

- 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 21.31.030 of this title.
- B. Residential uses shall be subject to the requirements of the chapters of this title, which include but are not limited to, Chapter 21.31, Chapter 21.44, and in the case of airspace subdivisions, Chapter 21.47.
- C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per Table 2-4 of the general plan land use and community design element, subject to approval of a site development plan processed in accordance with Chapter 21.06 of this title.
 1. Density and yield of residential uses shall be determined consistent with the residential density calculations and residential development restrictions in Section 21.53.230 of this title and shall be based on 25% of the developable area. Unit yield in excess of the minimum shall be subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at least one dwelling unit in a mixed use development.
 2. Residential uses shall be accessory to the primary commercial use of the site. Compliance with this provision shall be evaluated as part of the site development plan.
- D. Residential uses shall include residential care facilities (serving six or fewer persons), supportive housing, and transitional housing.

8. Carlsbad Municipal Code Section 21.53.120 is amended to read as follows:

- A. Site Development Plan Requirement.
 1. Notwithstanding anything to the contrary in this code, no building permit or other entitlement shall be issued for any multi-family residential development having more than four dwelling units or an affordable housing project of any size unless a site development plan has been approved for the project. The site development plan shall be processed pursuant to the provisions of Chapter 21.06 of this title.
 2. A site development plan for a multi-family residential project (not affordable) shall not be required for any project processed pursuant to the provisions of Chapter 21.45 of this title.
- 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 can only require 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 were published in advance and consistent with *The Zoning Ordinance, General Plan*, any applicable Master or Specific Plan, and the Government Code of the State of California.

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 2022-0013, 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 19th day of April, 2022, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 10th day of May, 2022, by the following vote, to wit:

AYES: Hall, Blackburn, Bhat-Patel, Acosta, Norby.

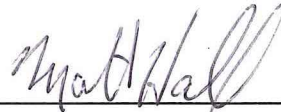
NAYS: None.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:



CELIA A. BREWER, City Attorney



MATT HALL, Mayor



for FAVIOLA MEDINA, City Clerk Services Manager

(SEAL)

