

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 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.

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 :

NAYS:

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

NONE.

ABSTAIN : NONE.

ABSENT: NONE.

APPROVED AS TO FORM AND LEGALITY:

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CINDIE K. McMAHON, City Attorney

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk

(SEAL)