



## **PUBLIC NOTICE**

TO INTERESTED PARTIES:

Please be advised that the City of Carlsbad is considering text amendments to its Local Coastal Program (LCP) as summarized below. This amendment is being proposed by City of Carlsbad and is currently under review. This notice hereby opens a six week review period after which the Planning Commission and City Council will consider all comments and act on the proposed amendment. The Planning Commission hearing is expected to take place in June 2022, and will be duly noticed. The City Council hearing is expected to take place in August 2022, and will be duly noticed.

Copies of the LCP amendment are available for review at the following locations: (1) Carlsbad Planning Division, 1635 Faraday Avenue; (2) City Clerk's Office, 1200 Carlsbad Village Drive; (3) Carlsbad Main Library, 1775 Dove Lane; (4) Georgina Cole Library, 1250 Carlsbad Village Drive; and (5) the California Coastal Commission, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402

### **PROPOSED LCP AMENDMENT SUMMARY LCPA 2022-0014/PUB 2022-0005/ZCA 2022-0002 – 2022 ZONING ORDINANCE CLEANUP**

The City's Zoning Ordinance is the implementing ordinance for the City's Local Coastal Program. Accordingly, this Local Coastal Program Amendment is necessary to ensure consistency between its proposed amended Zoning Ordinance and its Local Coastal Program. This specific Zone Code Amendment is as follows:

The proposal includes miscellaneous cleanup amendments to the Local Coastal Program Implementation Plan, including Carlsbad Municipal Code Title 21, The Zoning Ordinance, as well as amendments to other sections the Carlsbad Municipal Code that are not part of the Local Coastal Program. These amendments are proposed to reflect state-mandated changes, correct errors, resolve ambiguities or inconsistencies, add clarifications and make minor additions for new requirements.

If you have any questions, please call Corey Funk in the Planning Division at (442) 339-2645. Written comments should be sent to the Planning Division at 1635 Faraday Avenue, Carlsbad, California 92008.

PUBLISH DATE: May 20, 2022

PUBLISH DATE FOR U-T SAN DIEGO: May 20, 2022

PUBLISH DATE FOR COAST NEWS: May 20, 2022

**Community Development Department  
Planning Division**

1635 Faraday Avenue | Carlsbad, CA 92008 | 442-339-2600

# ZCA2022-0002/LCPA 2022-0014 – 2022 ZONING ORDINANCE CLEANUP

## Exhibit 2 Proposed Municipal Code and Zoning Code Amendments Underline Strikeout Exhibit

*This project proposes to amend the various Municipal Code and Zoning Code sections to read as specified below, signified as replacements, additions, or revisions to existing text. Revisions to existing text are shown in order by section number, with ~~strikeout~~ typeface (i.e. ~~strikeout~~) illustrating deletions and underline typeface (i.e. underline) illustrating new text. The proposed changes are not intended to impair or interfere with any other existing provision of law or ordinance.*

*A clean-copy of the proposed changes will be provided as an attachment to the resolution that is presented to Planning Commission for review and consideration.*

*Also included are the following reference information for each amendment:*

- *Amendment numbering*
- *Amendment general subject area*
- *Amendment proposal*

Amendment: 1

Subject area: Grading permit exemption

Proposal: Add certain activities to the list of activities exempt from a grading permit.

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*Section 15.16.060 of the Carlsbad Municipal Code is proposed to be amended as follows:*

**15.16.060 Work exempt from grading permit.**

A. A grading permit shall not be required for the following:

1. Cemetery graves.
2. Refuse disposal sites controlled by other regulations.
3. Excavations for wells, ~~tunnels~~, ~~utilities~~, or swimming pools/spas.
4. Exploratory excavations under the direction of soil engineers or engineering geologists.
5. Clearing and grubbing of vegetation done for the purpose of routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation done upon order of the fire marshal to eliminate a potential fire hazard or for the abatement of weeds.
6. Clearing and grubbing of vegetation done preparatory to agricultural operations on land which has been used for agricultural purposes within the previous five years.

B. Unless the city engineer determines that the work may adversely affect existing drainage patterns, result in a condition which may cause damage to adjacent property now or in the future, or may have a detrimental effect on the public health, safety or welfare, a grading permit shall not be required for the following:

1. Grading on a site where the city engineer finds that the following conditions exist:
  - a. The amount of soil material moved does not exceed 200 cubic yards (excluding excavation for basements, foundations and footings);
  - b. No fill material is placed on an existing slope steeper than five units horizontal to one vertical;
  - c. No cut or fill material exceeds four feet in vertical depth at its deepest point, measured from the existing ground surface.
2. Grading in an isolated, self-contained area.
3. Grading associated with stem wall construction.
4. Retaining walls with a maximum height of 6 feet and the soil material moved does not to exceed 200 cubic yards.

Amendment: 2

Subject area: Nonconforming due to over-density

Proposal: Delete the statement in the code that developments which are over Growth Management Control Point but within the General Plan density range are considered "nonconforming".

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**21.04.281 *Nonconforming residential use.***

“Nonconforming residential use” means a residential use which was lawfully established and maintained, but which exceeds ~~the growth management control point or~~ the maximum density range of the underlying general plan land use designation.

Amendment: 3

Subject Area: Roof heights and third story for lots zoned R-1-20,000

Proposal: Specific to R-1-20,000 lots (lots with a greater area than 20,000 square feet and), the code provides for an increase in height/stories for pitched roofs but not for flat roofs height. Update code section to clarify homes with a flat roof design are eligible for a corresponding 5 ft. and 1 story increase similar to pitch roof homes.

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#### **21.10.050 Building height.**

In the R-1 zone no building shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Single-family residences on lots with a lot area of twenty thousand square feet or greater and within a R-1 zone and specifying a -20 or greater area zoning symbol shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided, [or twenty-nine feet and three stories if less than a 3:12 roof pitch is provided.](#)

Amendment: 4

Subject Area: Building separation standard

Proposal: Replace the zoning code requirements for building separation in residential zones with reference to building code requirements for building separation.

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Amendment: 5

Subject Area: Street side yard setbacks for detached non-habitable structures

Proposal: Clarify that a street side yard setback of five feet applies to detached non-habitable accessory structures.

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*The following sections are proposed to be amended as shown below:*

**21.08.060 Placement of buildings**

**21.10.080 Placement of buildings**

**21.12.060 Placement of buildings**

**21.16.060 Placement of buildings**

A. Placement of buildings on any lot shall conform to the following, except as otherwise permitted for accessory dwelling units (or junior accessory dwelling units where permitted) pursuant to Section 21.10.030:

1. Interior Lots.

a. No building shall occupy any portion of a required yard;

b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on such lot;

~~c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall not be less than ten feet;~~

~~c.~~ All accessory structures shall comply with the following development standards:

i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

~~ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,~~

~~iii.~~ When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

~~iv.~~ Buildings shall not exceed one story,

~~v.~~ Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;

~~ed.~~ Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;

~~fe.~~ Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, a street side yard setback of five feet and an alley setback of five feet,

iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

iv. The additional development standards listed above (subsections (A)(1)(g)(i) through (iii) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area; and

~~gf.~~ The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015.

## 2. Corner Lots and Reversed Corner Lots.

a. No building shall occupy any portion of a required yard;

~~b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall not be less than ten feet;~~

~~be.~~ Any building, any portion of which is used for human habitation, shall observe a distance from the rear property line the equivalent of twice the required interior side yard on such lot;

cd. All accessory structures shall comply with the following development standards:

i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

~~ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,~~

~~iii.~~ When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

~~iv.~~ Buildings shall not exceed one story,

v. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;

de. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;

ef. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, a street side yard setback of five feet and an alley setback of five feet,

iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

iv. The additional development standards listed above (subsections (A)(2)(g)(i) through (iii) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area; and

gf. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015.



Amendment: 6

Subject Area: Massage therapy and personal services use listing

Proposal: Categorize massage and massage therapy uses as "personal services" instead of "medical" type uses. Create a definition for "personal services" use listing and use it to replace similar use listings.

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1. Chapter 21.04 is proposed to be amended by the addition of the following definition:

**21.04.290.1 Personal services.**

"Personal Services" means uses that include but are not limited to dry cleaners, beauty and barber shops, day spas, cosmetic services, nail salons, shoe garment repair, massage therapy, etc.

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2. Table A of Section 21.18.020 is proposed to be amended by the addition and deletion of the following use listings:

**21.18.020 Permitted uses.**

**Table A**

**Uses Permitted When the R-P Zone Implements the "O" (Office) General Plan Land Use Designation**

<b>Use</b>	<b>P</b>	<b>CUP</b>	<b>Acc</b>
<u>Personal services (defined: section 21.04.290.1)</u>		<u>1</u>	
<u>Services, provided directly to consumers, focusing on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services</u>	-	<u>1</u>	-

3. Table A of Section 21.26.010 is proposed to be amended as follows:

**21.26.010 Permitted uses.**

**Table A**

## Permitted Uses

Use	P	CUP	Acc
Accountants	X		
Adult and/or senior daycare and/or recreation facility (private/non-private)		1	
Alcoholic treatment centers		2	
Amusement parks		3	
Arcades—coin-operated (subject to Section <u>21.42.140(B)(15)</u> ; defined: Section <u>21.04.091</u> )		1	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X		
Attorneys	X		
Banks and other financial institutions without drive-thru facilities	X		
Bakeries	X		
<del>Barbershops or beauty parlors</del>	X		
Biological habitat preserve (subject to Section <u>21.42.140(B)(30)</u> ; defined: Section <u>21.04.048</u> )		2	
Book or stationery stores	X		
Child day care centers, subject to the provisions of Chapter <u>21.83</u> of this title	X		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs—nonprofit, business, civic, professional, etc. (defined: Section <u>21.04.090</u> )		1	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Delicatessen (defined: Section <u>21.04.106</u> )	X		
Doctors, dentists, optometrists, chiropractors and others practicing the healing arts for human beings, and related uses such as oculists, pharmacies (prescription only), biochemical laboratories and x-ray laboratories	X		
Dressmaking or millinery shops	X		
Drive-thru facility (not restaurants)		1	
Drugstores	X		
Dry goods or notion stores	X		
Educational facilities, other (defined: Section <u>21.04.137</u> )	X		
Educational institutions or schools, public/private (defined: Section <u>21.04.140</u> )		2	
Engineers, architects and planners	X		
Fairgrounds		3	
Farmworker housing complex, small (subject to Section <u>21.10.125</u> ; defined: Section <u>21.04.148.4</u> )		1	
Florist shops	X		
Fortunetellers, as defined in Section <u>5.50.010</u>	X		
Gas stations (subject to Section <u>21.42.140(B)(65)</u> )		2	
Greenhouses > 2,000 square feet (subject to Section <u>21.42.140(B)(70)</u> )		1	
Grocery or fruit stores	X		
Hardware stores	X		
Hospitals (defined: Section <u>21.04.170</u> )		2	
Hospitals (mental) (defined: Section <u>21.04.175</u> )		2	
Hotels and motels (subject to Section <u>21.42.140(B)(80)</u> )		3	

Use	P	CUP	Acc
Institutions of a philanthropic or eleemosynary nature, except correctional or mental	X		
Jewelry stores	X		
Laundries or clothes cleaning agencies	X		
<del>Laundromats</del>	<del>X</del>		
Liquor store (subject to Section <u>21.42.140(B)(85)</u> ; defined: Section <u>21.04.203</u> )		2	
Meat markets	X		
Mobile buildings (subject to Section <u>21.42.140(B)(90)</u> ; defined: Section <u>21.04.265</u> )		1	
Outdoor dining (incidental) (subject to Section <u>21.26.013</u> ; defined: Section <u>21.04.290.1</u> )			X
Packing/sorting sheds > 600 square feet (subject to Section <u>21.42.140(B)(70)</u> )		1	
Paint stores	X		
Parking facilities (primary use) (i.e., day use, short-term, nonstorage)		1	
Pawnshops (subject to Section <u>21.42.140(B)(105)</u> )		3	
<del>Personal services (defined: section <u>21.04.290.1</u>)</del>	<del>X</del>		
Pet supply shops	X		
Pool halls, billiards parlors (subject to Section <u>21.42.140(B)(110)</u> ; defined: Section <u>21.04.292</u> )		2	
Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business	X		
Public meeting halls, exhibit halls, and museums		2	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section <u>21.04.297</u> )		2	
Racetracks		3	
Radio/television/microwave/broadcast station/tower		2	
Realtors	X		
Recreation facilities		1	
Recycling collection facilities, large (subject to Chapter <u>21.105</u> of this title; defined: Section <u>21.105.015</u> )		2	
Recycling collection facilities, small (subject to Chapter <u>21.105</u> of this title; defined: Section <u>21.105.015</u> )		1	
Religious reading room (separate from church)		1	
Residential uses (subject to Section <u>21.26.015</u> of this title)	X		
Restaurants (bona fide public eating establishment) (defined: Section <u>21.04.056</u> )	X		
Restaurants (excluding drive-thru restaurants), tea rooms or cafes (excluding dancing or entertainment and on-sale liquor)	X		
Satellite television antennae (subject to Section <u>21.53.130—21.53.150</u> ; defined: Section <u>21.04.302</u> )			X
<del>Shoe, clothing or wearing apparel stores or repair shops</del>	<del>X</del>		
Signs (subject to Chapter <u>21.41</u> )			X
Stadiums		3	
<del>Tailors, clothing or wearing apparel shops</del>	<del>X</del>		
Tattoo parlors (subject to Section <u>21.42.140(B)(140)</u> )		3	
Theaters (motion picture or live) — Indoor		2	

Use	P	CUP	Acc
Theaters, stages, amphitheaters — Outdoor		3	
Thrift shops (subject to Section 21.42.140(B)(150))		1	
Transit passenger terminals (bus and train)		2	
Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)		1	
Welfare and charitable service (private or semi-private) with no permanent residential uses (i.e., Goodwill, Red Cross, Traveler’s Aid)		1	
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))		2	
Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)		1 / 2	
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings)		1	

**Note:**

1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

4. *Table A of Section 21.28.010 is proposed to be amended by the addition of the following use listing:*

**21.28.010 Permitted uses.**

**Table A  
Permitted Uses**

Use	P	CUP	Acc
<a href="#">Personal services (defined: section 21.04.290.1)</a>	X		

*Table A of Section 21.29.030 is proposed to be amended by the addition and deletion of the following use listings:*

**21.29.030 Permitted uses.**

**Table A  
Permitted Uses**

Use	P	CUP	Acc
<a href="#">Personal services (defined: section 21.04.290.1)</a>	X		

Services (personal), limited to drycleaners, laundromats, and personal grooming (e.g., barbershops, beauty salons, day spas)	X	-	
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5. Table A of Section 21.31.020 is proposed to be amended by the addition and deletion of the following use listings:

**21.31.030 Permitted uses.**

**Table A  
Uses Permitted in the C-L Zone**

Use	P	CUP	Acc
Personal services (defined: section 21.04.290.1)	X		
Services, provided directly to consumers, and focusing on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services	X		

Amendment: 7

Subject Area: Conditional use permits

Proposal: Amend expiration requirements for conditional use permits.

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## CHAPTER 21.42 MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS

### **Section 21.42.110 Expiration, extensions and amendments.**

- A. Expiration of Permit if Not Exercised. The expiration period for an approved minor conditional use permit or conditional use permit shall be as specified in Section 21.58.030 of this title.
- B. Extension of Permit if Not Exercised. The expiration period for an approved minor conditional use permit or conditional use permit may be extended pursuant to Section 21.58.040 of this title.
- C. Expiration of Permit. Such rights and privileges granted under a minor conditional use permit or conditional use permit shall also expire at such time as the city planner/planning commission/city council may designate in the approval of the minor conditional use permit or conditional use permit.
- D. All existing conditional use permits ~~approved prior to February 21, 2006, which include an expiration date and a requirement to extend the permit, may be hereby approved administratively by the city planner in perpetuity without the requirement to extend the conditional use permit shall automatically renew at the end of each term for a further five years unless written notice of termination is given to the permittee no less than 30 days prior to the expiration of the permit.~~ approved prior to February 21, 2006, which include an expiration date and a requirement to extend the permit, may be hereby approved administratively by the city planner in perpetuity without the requirement to extend the conditional use permit shall automatically renew at the end of each term for a further five years unless written notice of termination is given to the permittee no less than 30 days prior to the expiration of the permit.
- E. An approved minor conditional use permit or conditional use permit may be amended pursuant to the provisions of Section 21.54.125 of this title.

Amendment: 8

Subject Area: Pool setbacks

Proposal: Delete pool setbacks from the zoning code and defer to the building code.

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Table F of Section 21.45.090 is proposed to be amended as follows:

**21.45.090 Residential additions and accessory uses.**

**Table F**

**Residential Additions and Accessory Uses to One-Family Dwellings and Twin-Homes on Small Lots**

Addition/Accessory Use	Minimum Front Yard Setback	Minimum Side and Rear Yard Setbacks
Attached/detached patio covers <sup>(2)</sup>	10 feet to posts  (2-foot overhang permitted)	5 feet to posts  (2-foot overhang permitted)
<del>Pool, spa</del> -	<del>20 feet</del> -	<del>5 feet—pool</del> <del>2 feet—spa</del>
Non-habitable detached accessory buildings/structures  (e.g., garages, workshops, decks over 30 inches in height) <sup>(1),(2),(3)</sup>	20 feet	5 feet
Habitable detached accessory buildings  (i.e. guest houses and accessory dwelling units) <sup>(2), (3), (4)</sup>	Same setbacks as required for the primary dwelling	
Additions to dwelling (attached)	Same setbacks as required for the dwelling	

Amendment: 9

Subject Area: HMP & constrained lands

Proposal: Amend CMC Section 21.53.230 as shown in HMP Appendix D-4 (see Attachment A) and to be consistent with GP Land Use Element Table 2-5 on pg. 2-20.

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*Subsection 21.53.230(b) is proposed to be amended as follows:*

**21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.**

(b) Undevelopable Lands.

(1). \_\_\_\_\_ The following lands are ~~considered to be~~ undevelopable and shall be excluded from density calculation:

- (~~1A~~) Beaches;
- (~~2B~~) Permanent bodies of water;
- (~~3C~~) Floodways;
- (~~4D~~) Natural slopes with an inclination of greater than 40% except as permitted pursuant to Section 21.95.140.B of this code;
- (~~5E~~) Significant wetlands;
- (~~6F~~) Significant riparian or woodland habitats;
- (~~7G~~) Land subject to major power transmission easements;
- (~~8H~~) Railroad track beds~~Land upon which other significant environmental features as determined by the environmental review process for a project are located;~~
- (~~9~~) ~~Railroad track beds.~~

(2). \_\_\_\_\_ The following lands are undevelopable but may be included in density calculation, unless such lands meet any of the criteria listed Section 21.53.230(b)(1)

- (A) \_\_\_\_\_ Land upon which other significant environmental features as determined by the environmental review process for a project are located;



(B) Habitat preserve areas as identified in the Carlsbad Habitat Management Plan.

Amendment: 10

Subject Area: Housing Element Implementation - Program 1.3(g)

Proposal: Implement Housing Element Program 1.3(g) by amending the zoning ordinance to address employee housing and residential care facility parking.

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1. Chapter 21.04 is proposed to be amended by the addition of the following new definition:

**21.04.140.6 Employee housing, small.**

Pursuant to Cal. Health and Safety Code § 17008, employee housing, small means any portion of any housing accommodation, or property upon which a housing accommodation is located, maintained in connection with any work or place where work is being performed, whether or not rent is involved, where such housing provides accommodations for six or fewer persons.

2. Section 21.04.145 is proposed to be amended as follows:

**21.04.145 Family.**

“Family” means one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. Residents and operators of a residential care facility or employee housing serving six or fewer persons shall be considered a family for purposes of any zoning regulation relating to residential use of such facilities.

3. *The permitted use tables in each of the following sections are proposed to be 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, 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
<a href="#">Employee housing (serving six or fewer persons)</a>	X		

4. *Within Table A of Section 21.44.020, the parking standard for the Residential Care Facility use is proposed to be amended as follows:*

**Table A**

**Number of Off-Street Parking Spaces Required**

Use		Number of Off-Street Parking Spaces
<b>Residential Uses</b>	Residential Care Facilities	<del>2 spaces, plus 1 space/three beds</del> <a href="#">Two spaces per unit, provided as either:</a> <ul style="list-style-type: none"><li><a href="#">A two-car garage (minimum interior 20 feet x 20 feet); or</a></li><li><a href="#">Two separate one-car garages (minimum interior 12 feet x 20 feet each);</a></li></ul>

Amendment: 11

Subject Area: Senate Bill 234

Proposal: Implement Senate Bill 234 by amending the zoning ordinance so it is consistent with state law with regard to child day care homes.

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1. *Section 5.04.080 is proposed to be amended as follows:*

**5.04.080 Exemptions.**

Nothing in this title shall be deemed or construed to apply to any person conducting any of the following businesses:

- A. Any business exempt by virtue of the United States Constitution or statutes of the United States or of the State of California from the payment of such taxes as are prescribed in this title;
- B. Any business conducted under a written franchise from the city;
- C. Any business which is conducted, managed or carried on only for charitable, fraternal or educational purposes, or from which profit is not derived, either directly or indirectly, by any person.

[D. Small or large family day care homes \(defined: Sections 21.04.147 and 21.04.128\), pursuant to California Health & Safety Code Section 1597.46.](#)

2. *Section 21.04.147 is proposed to be amended as follows:*

**21.04.147 Family day care home, large.**

“Large family day care home” means a ~~detached, single-family~~ dwelling which provides family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home as defined by Section 1596.78 of the California Health and Safety Code and permitted by the licensing agency.

3. *Section 21.04.148 is proposed to be amended as follows:*

#### **21.04.148 Family day care home, small.**

“Small family day care home” means a ~~detached, single-family~~ dwelling which provides family day care for eight or fewer children, including children under the age of ten years who reside at the home as defined in Section 1596.78 of the California Health and Safety Code and permitted by the licensing agency.

4. *Subsection 21.83.020.F is proposed to be amended as follows:*

#### **21.83.020 Definitions.**

F. “Family day care home” means a ~~single-family~~ dwelling which regularly provides nonmedical care, protection, and supervision of fourteen or fewer children, in the provider’s own home, for periods of less than twenty-four hours per day, while the parents or guardians are away. The actual number of children permitted in a family day care home is based on age composition as determined by the permitting agency. Family day care homes include either of the following:

1. “Large family day care home,” means a ~~detached, single-family~~ dwelling which provides family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home as defined in Section 1596.78 of the California Health and Safety Code and as permitted by the licensing agency;
2. “Small family day care home,” means a ~~detached, single-family~~ dwelling which provides family day care for eight or fewer children, including children under the age of ten years who reside at the home as defined in Section 1596.78 of the California Health and Safety Code and as permitted by the licensing agency.

5. *Section 21.04.080 is proposed to be amended as follows:*

#### **21.83.040 Use chart.**

The following use chart indicates the zones where small and large family day care homes and child day care centers are permitted, subject to the requirements of this chapter.

“P” indicates that the use is permitted in the zone.

~~“LDCP” indicates that the use is permitted subject to approval of a large family day care permit, processed in accordance with Section 21.83.050 of this chapter.~~

“MCUP” indicates that the use is permitted subject to approval of a minor conditional use permit (process one) processed in accordance with Chapter 21.42 of this title.

“CUP” indicates that the use is permitted subject to approval of a conditional use permit (process two) processed in accordance with Chapter 21.42 of this title.

“X” indicates that the use is prohibited in the zone.

Zoning	Small Family Day Care Home (8 or fewer children)	Large Family Day Care Home (14 or fewer children)	Child Day Care Center
R-A, R-E, E-A	P	<del>LDCP (1)</del> P	X
R-1	P	<del>LDCP (1)</del> P	X
R-2	P	<del>LDCP (1)</del> P	X
R-3, RD-M, R-P	P	<del>LDCP (1)</del> P	MCUP <del>(2)</del> (1) <del>(3)</del> (2)
R-T, R-W, RMHP	P	<del>LDCP (1)</del> P	X
O	X	X	MCUP <del>(2)</del> (1) <del>(3)</del> (2)
H-O	X	X	P <del>(2)</del> (1)
C-F	X	X	MCUP <del>(2)</del> (1) <del>(3)</del> (2)
C-1, C-2, C-L	X	X	P <del>(2)</del> (1)
P-M, C-M	X	X	CUP <del>(5)</del> (4)
M, P-U, O-S, L-C, T-C, C-T	X	X	X
V-B, P-C	<del>(4)</del> (3)	<del>LDCP (1)</del> (4)(3)	<del>(2)</del> (1) <del>(3)</del> (2)(4)(3)

**Notes:**

~~(1)~~ Permitted only when the large family day care home is located on a lot occupied by a detached, single family dwelling, subject to the provisions of Section 21.83.050 of this chapter.

~~(2)~~(1) Permitted subject to the provisions of Section 21.83.080 of this chapter.

~~(3)~~(2) Child day care centers are allowed as a permitted use (no conditional use permit or minor conditional use permit required) within existing buildings on developed church or school sites, subject to the provisions of Section 21.83.080 of this chapter.

~~(4)~~(3) Permitted subject to the standards of the controlling document (Village and Barrio master plan or designated master plan).

~~(5)~~(4) Permitted subject to the provisions of Sections 21.83.060 and 21.83.080 of this chapter.

6. Section 21.83.050 is proposed to be amended as follows:

**21.83.050 Requirements for large family day care homes.**

A. The applicant shall obtain all licenses and permits required by state law for operation of the facility and shall keep all state licenses or permits valid and current.

~~B. Large Family Day Care Permit. No large family day care home shall operate without first obtaining a large family day care permit issued by the city.~~

~~1. Application and Fee.~~

~~a. An application for a large family day care permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:~~

~~i. Be made in writing on a form provided by the city planner;~~

~~ii. State fully the circumstances and conditions relied upon as grounds for the application; and~~

~~iii. Be accompanied by adequate plans, a legal description of the property involved and all other materials as specified by the city planner.~~

~~iv. Applicants who reside on rented or leased property shall provide proof of written notice to the landlord or owner of the property that they intend to operate a family day care home on the rented or leased premises in accordance with Section 1597.40 of the California Health and Safety Code.~~

~~b. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council.~~

~~2. Decision-Making Authority. The city planner shall approve the large family day care permit if the city planner finds that the request complies with the requirements of this section.~~

~~3. Announcement of Decision and Findings of Fact. When a decision on a large family day care permit is made pursuant to this chapter, the decision-making body shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title.~~

~~4. Effective Date and Appeals. The decision of the city planner made pursuant to this section shall become effective or may be appealed in accordance with Section 21.54.140 of this title.~~

~~5. Expiration, Extensions And Amendments.~~

~~a. The expiration period for a large family day care permit shall be as specified in Section 21.58.030 of this title.~~

~~b. A large family day care permit may be extended pursuant to Section 21.58.040 of this title.~~

~~c. A large family day care permit may be amended pursuant to Section 21.58.124 of this title.~~

6B. Development Standards.

1. The facility shall comply with all zoning standards otherwise applicable to other ~~single-family~~ residences, however, the use of a ~~detached, single-family~~ dwelling for the purposes of this section shall not constitute a change of occupancy for purposes of Title 18 of this code.

2. The facility shall comply with all standards relating to fire and life safety applicable to ~~single-family~~ residences established by the state fire marshal contained in Title 24 of the California Code of Regulations as amended from time to time.

~~3. The subject site shall not be located closer than one thousand two hundred lineal feet from any other large family day care home on the same street.~~

43. An outdoor play area which satisfies the requirements of the state, community care licensing division shall be provided in the rear yard and shall be enclosed by a natural barrier, wall, solid fence, or other solid structure a minimum of five feet in height. The provider shall ensure that outdoor play times do not begin until after nine a.m. and end before five p.m. The provider shall stagger the number of children playing outdoors at any one time to reduce noise impacts on surrounding residences.

54. All outdoor play areas shall be adequately separated from vehicular circulation and parking areas by a strong fence such as chain link, wood or masonry.

65. Required garages shall be prohibited for use as a family day care home and shall be utilized for parking two of the applicant's onsite vehicles during the daily operation of the day care home rather than parking the vehicles on the street or in the driveway.

76. The applicant shall designate the onsite driveway as the official drop-off and pick-up area for children and shall notify parents of this requirement. Said driveway shall remain free and clear of parked cars.

87. The applicant shall require that employees park in locations which will not inconvenience nearby residents. To disrupt the neighborhood as little as possible, best efforts shall be made by the applicant to require employees to park as close as possible to the family day care home.



Amendment: 12

Subject Area: Mobilehome policies

Proposal: Update the CMC Chapter 21.37 to be consistent with California Code of Regulations Title 25, Division1, Chapter 2.

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*Sections 21.37.090 and 21.37.100 are proposed to be amended as follows:*

**21.37.090 Design criteria.**

A. The following design criteria shall apply to all mobile home parks [to the extent permitted according to California Health and Safety Code §18200, et seq. and §18665 et seq., respectively](#):

1. The overall plan shall be comprehensive, embracing land, ~~mobile homes,~~ 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. ~~Mobile homes, buildings~~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.

**21.37.100 Development standards.**

A. A mobile home park shall comply with the following development standards [and any applicable standards under state law](#):

1. A mobile home park shall be not less than five acres for a condominium or planned unit development park and fifteen acres for a rental park;
2. ~~Fifteen percent of the mobile home sites may be three thousand square feet in area to accommodate a twenty foot wide mobile home. The remaining sites shall have a minimum of three thousand five hundred square feet in area;~~

- 3.—Each mobile home lot shall have a width of not less than fifty feet;
- 4.—Not more than one single family mobile home or factory built home may be placed on a mobile home lot. Each mobile home or factory built house shall contain one dwelling unit only. No mobile home or factory built house shall be less than twenty four feet wide, except for the fifteen percent affordable housing units which may be twenty feet wide;
- 5.—Each mobile home site shall have a front yard of not less than five feet. The front yard so required shall not be used for vehicle parking, except such portion thereof as is devoted to driveway use;
- 6.—On corner mobile home sites, the side yard adjoining the mobile home park street shall not be less than five feet;
- 7.—Except for corner lots, each mobile home lot shall have a side yard of not less than three feet and a rear yard of not less than three feet;
- 8.—The minimum separation between mobile homes or between a mobile home and a building shall be as follows: from side to side, ten feet; from side to rear, eight feet; from rear to rear, six feet;
- 9.—Notwithstanding the separation requirement, a private garage may be located immediately adjacent to a mobile home if the interior of the garage wall adjacent to the mobile home is constructed of materials approved for one-hour fire resistive construction. If there are openings in the mobile home wall adjacent to the garage wall, a minimum of three feet separation shall be maintained between the mobile home and a private garage which does not meet the requirements for one-hour fire resistive construction;
- 10.—Private garages shall maintain a minimum side yard and rear yard of not less than three feet;
- 11.—Carports/awnings must be constructed of noncombustible materials and may be constructed to the lot line provided there is a minimum of three feet clearance from a mobile home or any other structures on the adjacent lots;
- 12.—A maximum of two storage cabinets shall be permitted on each mobile home lot. The aggregate floor area of the cabinets shall not exceed one hundred square feet nor shall the height of the cabinets exceed ten feet. Storage cabinets may be located on a lot line or adjacent to a mobile home or mobile home accessory building or structure or beneath an awning or carport; provided, that it does not obstruct the required exiting or openings for light and ventilation of a mobile home or a cabana, or prevent service or inspection of mobile home equipment and utility connections or encroach within a designated open space area;
- 13.—Expansion or alteration of buildings which are nonconforming by reason of inadequate yards shall comply with Section 21.48.090. Miscellaneous accessory structures such as lath houses, greenhouses, storage buildings (greater than one hundred square feet in floor area), etc., may be erected on a mobile home lot, provided they are located a minimum of six feet from any mobile

~~home, outside any required yard and the occupied area of a lot does not exceed seventy five percent of the lot;~~

~~14. When used for access to a parking facility, a side yard shall be wide enough for a ten foot wide unobstructed driveway. All such side yard driveways shall be paved with cement or asphaltic concrete;~~

~~15. Window awnings, not including structures, may project not more than four feet into any front yard and the following features may be erected or project into any required yard:~~

~~a. Vegetation, including trees, shrubs and other plants,~~

~~b. Necessary appurtenances for utility service,~~

~~c. Mailboxes;~~

~~16. The area of the mobile home and all mobile home accessory structures shall not cover more than seventy five percent of the mobile home site;~~

~~217.~~ Parking shall be provided subject to the provisions of Chapter 21.44 of this title;

~~318.~~ Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park. Such streets shall be built to the following standards:

a. No roadway shall be less than thirty four feet in width,

b. There shall be concrete curbs on each side of the streets,

c. The mobile home park streets shall be paved according to standards established by the city engineer,

d. Mobile home park streets shall be lighted in accordance with the standards established by the city engineer;

~~19. Reserved.~~

~~420.~~ The city council may permit decentralization of the recreational facilities in accordance with principles of good planning;

~~21. Utilities.~~

~~a. All utilities shall be underground, and~~

~~b. Television reception shall be by means of cable television or one antenna or several common antennae if the size or configuration of the mobile home park requires more than one. Individual TV antennas on a coach shall be prohibited;~~

522. Common trash-bin enclosures shall be provided. They shall be of masonry construction and compatible with the mobile home park;

623. Service buildings and facilities shall be strategically located throughout the park for convenient access from mobile homes. No service building shall be closer than twenty feet to any property adjacent to the mobile home park;

724. Mobile home parks shall be enclosed by solid masonry ~~fences~~ walls, six feet in height, subject to city planner approval, along dedicated street frontages ~~and interior property lines~~; and

825. All new mobile homes shall bear a valid insignia of approval issued by the State Department of Housing and Community Development.

Amendment: 13

Subject Area: Approvals for small wireless facilities

Proposal: Establish a process for small wireless facilities that are located on public and private property to be approved by a building permit.

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1. *Chapter 21.04 is amended by the addition of the following new definition:*

#### **21.04.305.5 Small wireless facilities.**

Small wireless facilities (SWF), consistent with FCC regulations in 47 C.F.R. §§ 1.6002(l), are wireless communication facilities that meet each of the following conditions:

A. The facilities—

1. are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
2. are mounted on structures no more than 10 percent taller than other adjacent structures, or
3. do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

B. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;

C. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

D. The facilities do not require antenna structure registration under 47 CFR Part 17;

E. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

F. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).

2. *Chapter 21.53 is proposed to be amended by the addition of new Section 21.53.260 as follows:*

#### **21.53.260 Small wireless facilities (SWF).**

Small wireless facilities shall comply with 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.

Amendment: 14

Subject Area: Incorrect code references

Proposal: CMC Section 21.31.060A.1. incorrectly refers to Section 21.31.080(L) – it should refer to 21.31.080(K). In sections 21.54.125.C and 21.210.070, the reference to 21.54.042 should be changed to 21.54.040.

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1. *Subsection 21.31.060.A.1 is proposed to be amended as follows:*

**21.31.060 Special requirements to be addressed in the site development plan.**

A site development plan for a local shopping center shall show how each of the following, if applicable, will be developed:

A. Employee eating and outdoor eating areas:

1. Required eating areas for employees (subject to Section 21.31.080(~~L~~K));

2. *Section 21.54.125 is proposed to be amended as follows:*

**21.54.125 Amendments to development permits.**

A. For purposes of this section, “development permit” means any permit, entitlement or approval required pursuant to Title 21 of this code, or pursuant to any applicable master, specific, or redevelopment plan.

B. Any approved development permit may be amended by following the same procedure required for the approval of said development permit (except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment), and upon payment of the application fee contained in the most recent fee schedule adopted by the city council.

C. If an approved development permit was issued pursuant to the provisions of Section ~~21.54.042~~21.54.040 of this title, any amendment to said permit shall be acted on by the decision-making authority that approved the original permit, except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment.

D. In granting an amendment, the decision-making authority may impose new conditions and may revise existing conditions.

3. *Subsection 21.210.070.E.1.b is proposed to be amended as follows:*

**21.210.070 E. 1. Minor HMP permit and HMP permit.**

b. HMP Permit.

i. An application for a HMP permit may be approved, conditionally approved or denied by the planning commission or city council, as specified in Section ~~21.54.042~~21.54.040 of this title.

ii. The decision on a HMP permit shall be based upon the decision-making authority's review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.

iii. The decision-making authority shall hear the matter, and may approve or conditionally approve the HMP permit if all of the findings of fact in subsection F of this section are found to exist.

Amendment: 15

Subject Area: Update General Plan Land Use designation references

Proposal: Various sections of the Carlsbad Municipal Code include references to the general plan land use designations from the previous 1994 General Plan. These references need to be updated to reflect the 2015 General Plan .

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1. *Section 21.08.010 is proposed to be amended as follows:*

**21.08.010 Intent and purpose.**

- A. Implement the ~~residential low density R-1.5 (Residential 1.5 du/ac) (RL)~~ and ~~residential low-medium density R-4 (Residential 0-4 du/ac) (RLM)~~ land use designations of the Carlsbad general plan; and
- B. Provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses as specified in this chapter.

2. *Section 21.08.070 is proposed to be amended as follows:*

**21.08.070 Minimum lot area.**

- A. The minimum required area of a lot in the R-A zone when the zone implements the ~~RLR-1.5~~ land use designations shall be not less than one-half acre (twenty-one thousand seven hundred eighty square feet), unless a greater minimum lot area is specified on the zoning map (ex. R-A-2.5 = two and one-half acre minimum lot area).
- B. The minimum required area of a lot in the R-A zone, when the zone implements the ~~RLMR-4~~ land use designation, shall be not less than seven thousand five hundred square feet, unless otherwise shown on the zoning map.

3. *Section 21.10.010 is proposed to be amended as follows:*

**21.10.010 Intent and purpose.**



A. The intent and purpose of the R-1 one-family residential zone is to:

1. Implement the ~~residential low density R-1.5 (Residential 1.5 du/ac) (RL)~~, ~~residential low-medium density R-4 (Residential 0-4 du/ac) (RLM)~~ and ~~residential medium density R-8 (Residential 4-8 du/ac) (RM)~~ land use designations of the Carlsbad general plan; and
2. Provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses as specified in this chapter.

4. *Section 21.10.090 is proposed to be amended as follows:*

**21.10.090 Minimum lot area.**

A. The minimum required area of a lot in the R-1 zone, when the zone implements the ~~RLR-1.5~~ land use designation, shall be not less than one-half acre (twenty-one thousand seven hundred eighty square feet), unless a greater minimum lot area is specified on the zoning map (i.e., R-1-40,000 = forty thousand square foot minimum lot area).

B. The minimum required area of a lot in the R-1 zone, when the zone implements the ~~RLMR-4~~ land use designation, shall be not less than seven thousand five hundred square feet, unless otherwise shown on the zoning map.

C. The minimum required area of a lot in the R-1 zone, when the zone implements the ~~RMR-8~~ land use designation, shall be not less than six thousand square feet, unless otherwise shown on the zoning map.

5. *Section 21.12.010 is proposed to be amended as follows:*

**21.12.010 Intent and purpose.**

A. The intent and purpose of the R-2 two-family residential zone is to:

1. Implement the ~~residential medium density R-8 (Residential 4-8 du/ac) (RM)~~ land use designation of the Carlsbad general plan; and
2. Provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

6. *Section 21.16.010 is proposed to be amended as follows:*

**21.16.010 Intent and purpose.**

A. The intent and purpose of the R-3 multiple-family residential zone is to:

1. Implement the ~~residential medium-high density R-15 (Residential 8-15 du/ac) (RMH)~~ and ~~residential high density R-23 (Residential 15-23 du/ac) (RH)~~ land use designations of the Carlsbad general plan; and
2. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter.

7. *Section 21.18.010 is proposed to be amended as follows:*

**21.18.010 Intent and purpose.**

A. The intent and purpose of the R-P residential-professional zone is to:

1. Implement the office and related commercial (O), ~~residential medium-high density R-15 (Residential 8-15 du/ac) (RMH)~~ and ~~residential high density R-23 (Residential 15-23 du/ac) (RH)~~ land use designations of the Carlsbad general plan;
2. Provide areas for the development of certain low-intensity business and professional offices and related uses in locations in conjunction with or adjacent to residential areas;
3. Provide transitional light traffic-generating commercial areas between established residential areas and nearby commercial or industrial development; and
4. Provide regulations and standards for the development of office and residential uses and other permitted or conditionally permitted uses as specified in this chapter.

8. *In Section 21.18.020, the table name and footnotes for Table B are proposed to be amended as follows:*

**21.18.020 Permitted uses.**

## Table B

### Uses Permitted When the R-P Zone Implements the “[RMHR-15](#)” or “[RHR-23](#)”

#### General Plan Land Use Designations

##### Notes:

1. Private garages (defined: Section 21.04.150) shall accommodate not more than two cars per dwelling unit.
2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Section 21.04.165).
3. One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of October 28, 2004, and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
4. A two-family dwelling shall not be permitted within the [RHR-23](#) land use designation.
5. Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

*Section 21.22.010 is proposed to be amended as follows:*

##### **21.22.010 Intent and purpose.**

- A. The intent and purpose of the R-W residential waterway zone is to:
  1. Implement the ~~residential high density~~[R-23 \(Residential 15-23 du/ac\) \(RH\)](#) land use designation of the Carlsbad general plan;
  2. Provide an area in which residential development centered about a navigable waterway may be accommodated; and
  3. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter.

*9. Section 21.24.010 is proposed to be amended as follows:*

#### **21.24.010 Intent and purpose.**

A. The intent and purpose of the RD-M residential density-multiple zone is to:

1. Implement the ~~residential medium density R-8 (Residential 4-8 du/ac) (RM)~~, ~~residential medium high density R-15 (Residential 8-15 du/ac) (RMH)~~ and ~~residential high density R-23 (Residential 15-23 du/ac) (RH)~~ land use designations of the Carlsbad general plan; and
2. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter.

10. *In Section 21.24.020, the footnotes for Table A are proposed to be amended as follows:*

#### **21.24.020 Permitted uses.**

##### **Notes:**

1. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Section 21.04.165).
2. Within the [RMR-8](#) land use designation, a one-family dwelling/subdivision is permitted.
3. Within the [RMHR-15](#) and [RHR-23](#) land use designations, one-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of October 28, 2004, and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
4. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
5. Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
6. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

11. *Section 21.24.100 is proposed to be amended as follows:*

#### **21.24.100 Lot area.**

A. The minimum required area of a lot in the RD-M zone, when the zone implements the [RMR-8](#) land use designation, shall be as follows:

1. For one-family dwellings: a lot area not less than six thousand square feet; and
2. For two-family and multiple dwellings: a lot area not less than ten thousand square feet, except that the joining of two smaller lots shall be permitted although their total area does not equal the required lot area.

B. The minimum lot area of a lot in the RD-M zone, when the zone implements the [RMHR-15](#) or [RHR-23](#) land use designations, shall not be less than ten thousand square feet, except that the joining of two smaller lots shall be permitted although their total area does not equal the required lot area.

*12. Section 21.29.010 is proposed to be amended as follows:*

#### **21.29.010 Intent and purpose.**

A. The intent and purpose of the C-T commercial tourist zone is to:

1. Implement the [Visitor Commercial](#)~~travel/recreation commercial~~ ([TRVC](#)) land use designation of the Carlsbad general plan;
2. Provide for the development of tourist-oriented attractions and commercial uses that serve the travel and recreational needs of tourists, residents, as well as employees of business and industrial centers; and
3. Provide regulations and development standards to ensure such uses are compatible with and designed to protect surrounding properties, ensure safe traffic circulation, and promote economically viable tourist-oriented areas of the city.

*13. Section 21.43.020 is proposed to be amended as follows:*

#### **21.43.020 Definitions.**

A. The definitions found in Section 8.60.020 of the Municipal Code are incorporated herein by reference.

B. In addition to any other definitions contained in the Municipal Code, the following words and phrases shall, for the purpose of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Municipal Code, these definitions shall prevail.

1. "Child day care center" means any child day care facility as defined in Carlsbad Municipal Code Section 21.04.086 and Section 1596.750 of the California Health and Safety Code other than family day care homes.
2. "Park" means any public or private parks, whether for passive or active recreational uses or both. Active recreational uses may include, but are not limited to, skate parks, tot lot and play lot areas, structures and special use facilities such as swimming pools, basketball courts, tennis courts, handball and racquetball courts, horseshoes, and picnic facilities.
3. "Religious institution/place of worship" means any portion of a building or structure that is used primarily for religious worship and religious activities.
4. "Residential land use designation" means any property within the city that carries a residential general plan land use designation permitting the location of a dwelling or dwellings, including ~~RLR-1.5~~ (Residential ~~Low Density~~1.5 du/ac), ~~RLMR-4~~ (Residential ~~Low-Medium Density~~0-4 du/ac), ~~RMR-8~~ (Residential ~~Medium Density~~4-8 du/ac), ~~RMHR-15~~ (Residential ~~Medium-High Density~~8-15 du/ac) and ~~RHR-23~~ (Residential ~~High Density~~15-23 du/ac).
5. "Residential zone" means any property within the city that carries a zoning designation permitting the location of a dwelling or dwellings, including R-A (Residential Agricultural), R-E (Rural Residential Estate), R-1 (One-Family Residential), R-2 (Two-Family Residential), R-3 (Multiple-Family Residential), RMHP (Residential Mobile Home Park), RD-M (Residential Density-Multiple), R-P (Residential Professional), R-T (Residential Tourist), and R-W (Residential Waterway).
6. "School" means any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or which is maintained pursuant to standards set by the Board of Education of the State of California. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education. For the purposes of this section, "school" does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

14. *In Section 21.45.040, the footnotes for Table A are proposed to be amended as follows:*

**21.45.040 Permitted zones and uses.**

**Notes:**

(1) Permitted when the project site is contiguous to a higher intensity land use designation or zone, or an existing project of comparable or higher density.

(2) Permitted when the proposed project site is contiguous to a lot or lots zone R-3, R-T, R-P, C-1, C-2, C-M or M, but in no case shall the project site consist of more than one lot nor be more than 90 feet in width, whichever is less.

(3) Permitted when developed as two or more detached units on one lot.

(4) Permitted when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan. In the case of a condominium project, attached or detached units may be permitted when the site contains sensitive biological resources.

(5) Permitted when the R-P zone implements the [RMHR-15](#) land use designation.

(6) Permitted when the R-P zone implements the [RMHR-15](#) or [RHR-23](#) land use designations.

(7) Permitted uses shall be consistent with the master plan.

(8) Refer to the Village and Barrio master plan for permitted uses.

(9) Refer to Table F for permitted accessory uses.

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15. Ref. No. C.9 and C.12 of Table C of Section 21.45.060 are proposed to be amended as follows:

**21.45.060 General development standards.**

**Table C  
General Development Standards**

REF. NO.	SUBJECT	DEVELOPMENT STANDARD		
C.9	Community Recreational Space <sup>(1)</sup>	Community recreational space shall be provided for all projects of 11 or more dwelling units, as follows:		
		Minimum community recreational space required	Project is NOT within <del>RHR-</del> 23 general plan designation	200 square feet per unit
			Project IS within <del>RHR-</del> 23 general plan designation	150 square feet per unit
		Projects with 11 to 25 dwelling units	Community recreational space shall be provided as either (or both) passive or active recreation facilities.	
		Projects with 26 or more dwelling units	Community recreational space shall be provided as both passive and active recreational facilities with a minimum of 75% of the area allocated for active facilities.	
		Projects with 50 or more dwelling units	Community recreational space shall be provided as both passive and active recreational facilities for a variety of age groups (a minimum of 75% of the area allocated for active facilities).	
			For projects consisting of one-family dwellings or twin homes on small-lots, at least 25% of the community recreation space must be provided as pocket parks. <ul style="list-style-type: none"> <li>• Pocket park lots must have a minimum width of 50 feet and be located at strategic locations such as street intersections (especially "T-intersections") and where open space vistas may be achieved.</li> </ul>	
		All projects (with 11 or more dwelling units)	Community recreational space shall be located and designed so as to be functional, usable, and easily accessible from the units it is intended to serve.	
			Credit for indoor recreation facilities shall not exceed 25% of the required community recreation area.	
			Required community recreation areas shall not be located in any required front yard and may not include any streets, drive-aisles, driveways, parking areas, storage areas, slopes of 5% or greater, or walkways (except those walkways that are clearly integral to the design of the recreation area).	
Recreation Area Parking	In addition to required resident and visitor parking, recreation area parking shall be provided, as follows: 1 space for each 15 residential units, or fraction thereof, for units located more than 1,000 feet from a community recreation area.			



REF. NO.	SUBJECT	DEVELOPMENT STANDARD	
			The location of recreation area parking shall be subject to the same location requirements as for visitor parking, except that required recreation area parking shall not be located within a driveway(s).
		Examples of recreation facilities include, but are not limited to, the following:	
	Active	Swimming pool area	
		Children’s playground equipment	
		Spa	
		Courts (tennis, racquetball, volleyball, basketball)	
		Recreation rooms or buildings	
		Horseshoe pits	
		Pitch and putt	
		Grassy play areas with a slope of less than 5% (minimum area of 5,000 square feet and a minimum dimension of 50 feet)	
		Any other facility deemed by the city planner to satisfy the intent of providing active recreational facilities.	
		Passive	Benches
	Barbecues		
	Community gardens		
	Grassy play areas with a slope of less than 5%.		
C.12	Recreational Vehicle (RV) Storage <sup>(1)</sup>	Required for projects with 100 or more units, or a master or specific plan with 100 or more planned development units. Exception: RV storage is not required for projects located within the <a href="#">RMHR-15</a> or <a href="#">RHR-23</a> land use designations.	
		20 square feet per unit, not to include area required for driveways and approaches.	
		Developments located within master plans or residential specific plans may have this requirement met by the common RV storage area provided by the master plan or residential specific plan.	
		RV storage areas shall be designed to accommodate recreational vehicles of various sizes (i.e. motorhomes, campers, boats, personal watercraft, etc.).	
		The storage of recreational vehicles shall be prohibited in the front yard setback and on any public or private streets or any other area visible to the public. A provision containing this restriction shall be included in the covenants, conditions and restrictions for the project. All RV storage areas shall be screened from adjacent residences and public rights-of-way by a view-obscuring wall and landscaping.	

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16. Ref. No. D.3 and D.8 of Table D of Section 21.45.070 are proposed to be amended as follows:

**21.45.070 Development standards for one-family dwellings and twin-homes on small lots.**

**Table D**

**One-Family Dwellings and Twin-Homes on Small Lots**

REF. NO.	SUBJECT	DEVELOPMENT STANDARD	
D.3	Minimum Lot Area	One-family dwellings	5,000 square feet (one dwelling per lot)
		Twin-homes	3,750 square feet (one dwelling per lot)
		Exception	3,500 square feet (one-family or twin-home - one dwelling per lot) when either: <ol style="list-style-type: none"> <li>1. The project site contains sensitive biological resources as identified in the Carlsbad habitat management plan; or</li> <li>2. The site has a general plan designation of <a href="#">RMHR-15</a> and unique circumstances such as one of the following exists:                             <ol style="list-style-type: none"> <li>a. The project is for lower income or senior citizen housing;</li> <li>b. The site is located west of Interstate 5;</li> <li>c. The dwelling units are designed with alley-loaded garages; or</li> <li>d. The site is either located contiguous to a Circulation Element roadway or within 1,200 feet of a commuter rail/transit center, commercial center or employment center.</li> </ol> </li> </ol>
D.8	Minimum Setback from a Drive-Aisle <sup>(4)</sup>	Residential structure	5 feet, fully landscaped (walkways providing access to dwelling entryways may be located within required landscaped area)
			3 feet
		Garage	Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.
		Projects of 25 units or less within the <a href="#">RMHR-15</a> and <a href="#">RHR-23</a> general plan designations	0 feet (residential structure and garage) Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.

17. Ref. No. E.4, E.5, E.7 and E.8 of Table E in Section 21.45.0180 is proposed to be amended as follows:

**21.45.080 Development standards for condominium projects.**

**Table E**

**Condominium Projects**

REF. NO.	SUBJECT	DEVELOPMENT STANDARD		
E.4	Maximum Building Height	Same as required by the underlying zone, and not to exceed three stories <sup>(1), (7)</sup>		
		Projects within the <a href="#">RHR-23</a> general plan designation <sup>(1), (7)</sup>	40 feet, if roof pitch is 3:12 or greater	
			35 feet, if roof pitch is less than 3:12	
			Building height shall not exceed three stories	
E.5	Minimum Building Setbacks	From a private or public street <sup>(2), (3)</sup>	Residential structure	10 feet
			Direct entry garage	20 feet
		From a drive-aisle <sup>(4)</sup>	Residential structure (except as specified below)	5 feet, fully landscaped (walkways providing access to dwelling entryways may be located within required landscaped area)
			Residential structure directly above a garage	0 feet when projecting over the front of a garage.
			Garage	3 feet
				Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.
			Projects of 25 units or less within the <a href="#">RMHR-15</a> and <a href="#">RHR-23</a> general plan designations	0 feet (residential structure and garage)
				Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.
		Balconies/decks (unenclosed and uncovered)	0 feet	
			May cantilever over a drive-aisle, provided the balcony/deck does not impede access and complies with all other applicable requirements, such as: <ul style="list-style-type: none"> <li>• Setbacks from property lines</li> <li>• Building separation</li> <li>• Fire and Engineering Department requirements</li> </ul>	
		From the perimeter property lines of the project site (not adjacent to	The building setback from an interior side or rear perimeter property line shall be the same as required by the underlying zone for an interior side or rear yard setback.	

REF. NO.	SUBJECT	DEVELOPMENT STANDARD	
		a public/private street)	
E.7	Resident Parking <sup>(6)</sup>	All dwelling types	<p>If a project is located within the <a href="#">RHR-23</a> general plan designation, resident parking shall be provided as specified below, and may also be provided as follows:</p> <ul style="list-style-type: none"> <li>• 25% of the units in the project may include a tandem two-car garage (minimum 12 feet x 40 feet).</li> <li>• Calculations for this provision resulting in a fractional unit may be rounded up to the next whole number.</li> </ul>
		One-family and two-family dwellings	<p>2 spaces per unit, provided as either:</p> <ul style="list-style-type: none"> <li>• a two-car garage (minimum 20 feet x 20 feet), or</li> <li>• 2 separate one-car garages (minimum 12 feet x 20 feet each)</li> <li>• In the R-W Zone, the 2 required parking spaces may be provided as 1 covered space and 1 uncovered space<sup>(5)</sup></li> </ul>
		Studio and one-bedroom units	1.5 spaces per unit, 1 of which must be covered <sup>(5)</sup>
			When calculating the required number of parking spaces, if the calculation results in a fractional parking space, the required number of parking spaces shall always be rounded up to the nearest whole number.
		Multiple-family dwellings	<p>2 spaces per unit, provided as either:</p> <ul style="list-style-type: none"> <li>• a one-car garage (12 feet x 20 feet) and 1 covered or uncovered space; or<sup>(5)</sup></li> <li>• a two-car garage (minimum 20 feet x 20 feet), or</li> <li>• 2 separate one-car garages (minimum 12 feet x 20 feet each)</li> <li>• In the R-W Zone and the Beach Area Overlay Zone, the 2 required parking spaces may be provided as 1 covered space and 1 uncovered space<sup>(5)</sup></li> </ul>
		<p>Required parking may be provided within an enclosed parking garage with multiple, open parking spaces, subject to the following:</p> <ul style="list-style-type: none"> <li>• Each parking space shall maintain a standard stall size of 8.5 feet by 20 feet, exclusive of supporting columns; and</li> <li>• A backup distance of 24 feet shall be maintained in addition to a minimum 5 feet turning bump-out located at the end of any stall series.</li> </ul>	
Required resident parking spaces shall be located no more than 150 feet as measured in a logical walking path from the entrance of the units it could be considered to serve.			
E.8	Private Recreational Space	One-family, two-family, and multiple-family dwellings	Required private recreational space shall be designed so as to be functional, usable, and easily accessible from the dwelling it is intended to serve.
			Required private recreational space shall be located adjacent to the unit the area is intended to serve.
			Required private recreational space shall not be located within any required front yard setback area, and may not include any driveways, parking areas, storage areas, or common walkways.
		Minimum total area per unit	Projects not within the <a href="#">RMHR-15</a> or <a href="#">RHR-23</a>

REF. NO.	SUBJECT	DEVELOPMENT STANDARD					
		One-family and two-family dwellings		general plan designations			
				Projects within the <a href="#">RMHR-15</a> or <a href="#">RHR-23</a> general plan designations	200 square feet		
			May consist of more than one recreational space.				
			May be provided at ground level and/or as a deck/balcony or roof deck.				
			If provided at ground level	Minimum dimension	Not within the <a href="#">RMHR-15</a> or <a href="#">RHR-23</a> general plan designations	15 feet	
					Within the <a href="#">RMHR-15</a> or <a href="#">RHR-23</a> general plan designations	10 feet	
				Shall not have a slope gradient greater than 5%.			
				Attached solid patio covers and decks/balconies may project into a required private recreational space, subject to the following:			
				<ul style="list-style-type: none"> <li>The depth of the projection shall not exceed 6 feet (measured from the wall of the dwelling that is contiguous to the patio/deck/balcony).</li> </ul>			
				<ul style="list-style-type: none"> <li>The length of the projection shall not be limited, except as required by any setback or lot coverage standards.</li> </ul>			
				Open or lattice-top patio covers may be located within the required private recreation space (provided the patio cover complies with all applicable standards, including the required setbacks).			
				If provided above ground level as a deck/balcony or roof deck	Minimum dimension	6 feet	
			Minimum area		60 square feet		
			Multiple-family dwellings	Minimum total area per unit (patio, porch, or balcony)	60 square feet		
				Minimum dimension of patio, porch or balcony	6 feet		
Projects of 11 or more units that are within the <a href="#">RHR-23</a> general plan designation may opt to provide an additional 75 square feet of community recreation space per unit (subject to the standards specified in Table C of this chapter), in lieu of providing the per unit private recreational space specified above.							

18. Section 21.90.045 is proposed to be amended as follows:

**21.90.045 Growth management residential control point established.**

In order to ensure that residential development does not exceed those limits established in the general plan, the following growth management control points are established for the residential density ranges of the land use element.

**Allowed Dwelling Units Per Acre**

<b>General Plan Density Ranges</b>	<b>Growth Management Control Point</b>
<a href="#">RLR-1.5</a> 0—1.5	1.0
<a href="#">RLMR-4</a> 0—4.0	3.2
<a href="#">RMR-8</a> 4.0—8.0	6.0
<a href="#">RMHR-15</a> 8.0—15.0	11.5
<a href="#">RHR-23</a> 15.0—23.0	19.0
R-30 23.0—30.0	25.0

No residential development permit shall be approved which density exceeds the growth management control point for the applicable density range unless the following findings are made:

1. The project will provide sufficient additional public facilities for the density in excess of the control point to ensure that the adequacy of the city’s public facilities plans will not be adversely impacted; and
2. There have been sufficient developments approved in the quadrant at densities below the control point to cover the units in the project above the control point so that approval will not result in exceeding the quadrant limit; and
3. All necessary public facilities required by this chapter will be constructed or are guaranteed to be constructed concurrently with the need for them created by this development and in compliance with the adopted city standards.

For the purposes of this section the term “quadrant” means those quadrants established by the intersections of El Camino Real and Palomar Airport Road as set forth in the map amending the General Plan and as required by Proposition E adopted November 4, 1986.