



CITY COUNCIL Agenda

Jan. 30, 2024, 5 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

How to Watch

In Person



City Council Chamber
1200 Carlsbad Village Drive

On TV



Watch the city's cable channel
Spectrum 24 and AT&T U-verse 99

Online



Watch the livestream at
carlsbadca.gov/watch

How to Participate

If you would like to provide comments to the City Council, please:

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- For non-agenda public comment, speakers must confine their remarks to matters within the City Council's subject matter jurisdiction.
- For public comment on agenda items, speakers must confine their remarks to the question or matter under consideration.
- Speakers have three minutes, unless the presiding officer (usually the Mayor) changes that time.
- You may not give your time to another person, but can create a group. A group must select a single speaker as long as three other members of your group are present. All forms must be submitted to the City Clerk before the item begins and will only be accepted for items listed on the agenda (not for general public comment at the beginning of the meeting). Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.
- Failure to comply with the rules for public participation is disruptive conduct. Continuing disruptive conduct after being asked by the presiding official to cease may result in removal from the meeting.

Reasonable Accommodations

Reasonable Accommodations Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 442-339-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to make arrangements. City staff will respond to requests by noon on Tuesday, the day of the meeting, and will seek to resolve requests before the start of the meeting in order to maximize accessibility.

More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20.

The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).

CALL TO ORDER:

ROLL CALL:

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Dec. 12, 2023

Minutes of the Special Meeting held Jan. 9, 2024

Minutes of the Regular Meeting held Jan. 9, 2024

PRESENTATIONS:

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda, provided remarks are confined to matters within the City Council's subject matter jurisdiction. Please treat others with courtesy, civility, and respect. Members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other non-agenda public comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

CONSENT CALENDAR: None.

The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

1. **ORDINANCE NOS. CS-463 AND CS-464 - AMENDING THE ELECTED OFFICIAL COMPENSATION REVIEW -**
 - 1) Adoption of "Ordinance No. CS-463, an Ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.010 (A), to adjust City Council Members' Compensation by 4%"; and
 - 2) Adoption of "Ordinance No. CS-464, an Ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.020(A), to adjust the City Clerk and City Treasurer Compensation by 4%." (Staff contact: Sheila Cobian, City Manager Department)

City Manager's Recommendation: Adopt Ordinance Nos. CS-463 and CS-464.

PUBLIC HEARINGS:

2. 2021-2029 HOUSING ELEMENT REZONING PROGRAM (GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015/EIR 2022-0007 (PUB 2022-0010)) – 1) Adoption of a resolution certifying the Final Supplemental Environmental Impact Report (EIR 2022-0007) and adopting findings of fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for amendments to the General Plan Land Use and Community Design Element, Land Use Map, and Public Safety Element, the Zoning Ordinance and Zoning Map, the Local Coastal Program, and various master and specific plans; and
- 2) Adoption of a resolution approving amendments to the General Plan Land Use and Community Design Element, Land Use Map (Map 1), Public Safety Element, and the Local Coastal Program to implement Objectives B, C, and D of Housing Element Program 1.1 (provide adequate sites to accommodate the RHNA), and Objective B of Housing Element Program 1.3 (Alternative Housing); and
- 3) Adoption of a resolution approving a greater minimum affordability requirement to apply to development of residential units on city-owned sites and all other sites that receive a Residential Land Use Change, an increase in Residential Density, or that are otherwise identified as a housing site, all as those sites are identified in Planning Commission Resolution Nos. 7498 and 7499, (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012 (PUB 2022-0010)); and
- 4) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, amending the Zoning Ordinance and Zoning Map, Title 21 of the Carlsbad Municipal Code, to implement portions of Objectives B, C, and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and Objective B of Housing Element Program 1.3 (Alternative Housing) for Map 1 (all sites)”, (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 (PUB 2022-0010)); and
- 5) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, approving amendments to the Bressi Ranch Master Plan, Fenton Carlsbad Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan to implement portions of Objectives B, C and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and Objective B of Housing Element Program 1.3 (Alternative Housing),” (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015 (PUB 2022-0010)).
- Or
- 6) Adoption of a resolution approving amendments to the General Plan Land Use and Community Design Element, Land Use Map (Map 2 – excluding Sites 3, 8 and 15), Public Safety Element, and the Local Coastal Program to implement Objectives B, C and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)) and Objective B of Housing Element Program 1.3 (Alternative Housing); and
- 7) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, approving an amendment to the Zoning Ordinance and Zoning Map, Title 21 of the Carlsbad

Municipal Code to implement portions of Objectives B, C, and D of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and Objective B of Housing Element Program 1.3 (Alternative Housing) for Map 2 (all sites excluding Sites 3, 8 and 15),” (Case Name: Housing Element Implementation and Public Safety Element Update; Case No.: ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 (PUB 2022-0010)). (Staff contact: Eric Lardy and Robert Efird, Community Development Department)

City Manager’s Recommendation: Take public input, close the public hearing, introduce the ordinances and adopt the resolutions.

3. AURA CIRCLE OPEN SPACE DESIGNATION (GPA 2021-0001, ZC 2021-0001, LCPA 2021-0011 (PUB 2021-0002)) AND BUENA VISTA PARK OPEN SPACE (GPA 2021-0002, ZC 2021-0002 (PUB 2021-0003)) – 1) Introduction of an ordinance titled “An ordinance of the City Council of the City of Carlsbad, California, amending Section 21.05.030 of the Carlsbad Municipal Code by approving amendments to the zoning map and the Local Coastal Program Zoning Map to change zoning from One Family Residential, minimum 8,000 square foot lot size (R-1-8000) and Open Space (OS) to Open Space (OS) for a 14.58 acre property at the terminus of Aura Circle; and an amendment to the zoning map to change zoning from One Family Residential (R-1) to Open Space (OS) for a 3.1 acre property located at 1605 Buena Vista Way”, Case Name: Aura Circle Open Space and Buena Vista Park Open Space, Case No. ZC 2021-0001/LCPA 2021-0011 (PUB 2021-0002) and ZC 2021-0002 (PUB 2021-0003); and 2) Adoption of a resolution approving amendments to the General Plan and Local Coastal Program Land Use Maps to change the land use designation from Residential, 0-4 dwelling units/acre (R-4), and Open Space (OS) to Open Space (OS) for a portion of a 14.58-acre property at the terminus of Aura Circle; and an amendment to the General Plan Use Map to change the land use designation from Residential, 0-4 DU/AC (R-4) to Open Space (OS) for a 3.1 acre property at 1605 Buena Vista Way, (Case Name: Aura Circle Open Space and Buena Vista Park Open Space, Case No. GPA 2021-0001/LCPA 2021-0011 (PUB 2021-0002) and ZC 2021-0002 (PUB 2021-0003)). (Staff contact: Scott Donnell, Community Development)

City Manager’s Recommendation: Take public input, close the public hearing, introduce the ordinance and adopt the resolution.

DEPARTMENTAL AND CITY MANAGER REPORTS: None.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS: *This portion of the agenda is for the City Council Members to make brief announcements, brief reports of their activities and requests for future agenda items.*

City Council Regional Assignments (Revised 12/12/23)

Keith Blackburn
Mayor

Buena Vista Lagoon JPC
Chamber of Commerce Liaison (alternate)
Encina Joint Powers JAC
Encina Wastewater Authority Board of Directors
Economic Development Subcommittee
SANDAG Board of Directors (2nd alternate)
SANDAG Shoreline Preservation Work Group (alternate)

Priya Bhat-Patel

City/School Committee

Mayor Pro Tem – District 3	Clean Energy Alliance JPA Economic Development Subcommittee League of California Cities – SD Division (alternate) North County Transit District SANDAG Board of Directors (1 st alternate)
Melanie Burkholder Council Member – District 1	City Council Legislative Subcommittee North County Dispatch Joint Powers Authority (alternate) SANDAG Board of Directors
Teresa Acosta Council Member – District 4	Chamber of Commerce Liaison City Council Legislative Subcommittee City/School Committee Clean Energy Alliance JPA (alternate) Encina Joint Powers JAC (alternate) Encina Wastewater Authority Board of Directors (alternate) League of California Cities – SD Division North County Dispatch Joint Powers Authority San Diego County Water Authority
Carolyn Luna Council Member – District 2	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors North County Transit District (alternate) SANDAG Shoreline Preservation Work Group

PUBLIC COMMENT: Continuation of the Public Comments

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.

ANNOUNCEMENTS:

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

CITY CLERK COMMENTS:

ADJOURNMENT:

City Council Meeting Procedures (*continued from page 1*)

Written Materials

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk.

Visual Materials

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 442-339-2820 or manager@carlsbadca.gov to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time

spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

Decorum

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

City Council Agenda

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

Presentations

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

Consent Items

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

Public Comment

Members of the public may speak on any city related item that does not appear on the agenda, provided remarks are confined to matters within the City Council's subject matter jurisdiction. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed, provided remarks are confined to the question or matter under consideration. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

Public Hearing

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

Departmental Reports

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

Other Reports

At the end of each meeting, City Council members and the City Manager, City Attorney and City Clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

City Council Actions

Resolution

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

Ordinance

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is "introduced" by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for "adoption." If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

Motion

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a "second" from another City Council member to be eligible for a City Council vote.



CITY COUNCIL
Minutes

Dec. 12 2023, 5 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

CALL TO ORDER: 5 p.m.

ROLL CALL: Blackburn, Bhat-Patel, Acosta, Burkholder, Luna.

ANNOUNCEMENT OF CONCURRENT MEETINGS: Mayor Blackburn announced that the City Council is also serving as the Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 1 and Departmental and City Manager Report Item No. 13.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bhat-Patel led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Nov. 7, 2023

Minutes of the Regular Meeting held Nov. 14, 2023

Minutes of the Special Meeting held Dec. 5, 2023

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to approve the minutes as presented. Motion carried unanimously, 5/0.

PRESENTATIONS: None.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: City Attorney Cindie McMahon announced there was no reportable action for the Dec. 12, 2023, Closed Session Meeting.

PUBLIC COMMENT:

Michael von Newmann thanked the Council Members, the Traffic Safety & Mobility Commission, city staff and the Police Department for their concerted efforts to make city streets safer.

Téa Estrada spoke regarding installing a traffic light on Hosp Way to make her street safer.

CONSENT CALENDAR:

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to approve Consent Calendar Item Nos. 1, 2 and 4 through 7. Motion carried unanimously, 5/0.

1. **ANNUAL FINANCIAL INFORMATION REPORT ON CAPITAL PROJECT FUNDS AND SPECIAL TAXES** – 1) Adoption of Resolution No. 2023-283 of the City Council of the City of Carlsbad accepting the Annual Financial Information Report on Capital Project Funds and Special Taxes; and
2) Adoption of Carlsbad Municipal Water District Board of Directors Resolution No. 1721 accepting the Annual Financial Information Report on Capital Project Funds and Special Taxes. (Staff contact: Kim Riboni, Administrative Services)

2. REPORT ON CITY INVESTMENTS AS OF OCT. 31, 2023 – Accept and file Report on City Investments as of Oct. 31, 2023. (Staff contact: Craig Lindholm and Roxanne Muhlmeister, Administrative Services)

This item was pulled for discussion by Council Member Burkholder.

3. REVISIONS TO THE CARLSBAD PART-TIME, UNREPRESENTED, AND UNCLASSIFIED EMPLOYEES' SALARY SCHEDULES, AND REVISIONS TO THE UNREPRESENTED EMPLOYEES COMPENSATION AND BENEFITS PLAN – Adoption of a resolution approving revisions to the City of Carlsbad Part-Time Salary Schedule, Unrepresented Employees Salary Schedule, Unclassified (Emergency Medical Technician) Employees Salary Schedule, and Unrepresented Employees Compensation and Benefits Plan, effective Jan. 1, 2024, and authorizing pay increases for part-time, unrepresented, and unclassified employees, effective Jan. 1, 2024. (Staff contact: Silvano Rodriguez and Judy von Kalinowski, Administrative Services)
4. RENEWAL OF PALO ALTO/WILDFIRE FIREWALL MAINTENANCE AND LICENSING WITH CDW GOVERNMENT, LLC – Adoption of Resolution No. 2023-285 authorizing the City Manager to execute documents necessary to procure Palo Alto/Wildfire Firewall Maintenance and Licensing Services through Dec. 30, 2024, from CDW Government, LLC in an amount not to exceed \$159,921. (Staff contact: Maria Callander, Administrative Services)
5. SUMMARY VACATION OF A PORTION OF A PUBLIC UTILITIES EASEMENT AT 5079 LOS ROBLES DRIVE (VAC2023-0002) – Adoption of Resolution No. 2023-286 approving a summary vacation of a portion of a public utilities easement over a portion of Lot 61 of Map No. 2758, located at 5079 Los Robles Drive. (Staff contact: David Rick, Community Services)
6. APPROVING AN AGREEMENT WITH AXON ENTERPRISE, INC. FOR THE PURCHASE OF REPLACEMENT TASER DEVICES – Adoption of Resolution No. 2023-287 authorizing the Mayor to execute an agreement with Axon Enterprise, Inc. for the purchase of replacement Taser devices. (Staff contact: Jeffrey Smith and Amanda Baker, Police Department)
7. ASSIGNMENT AND ASSUMPTION AGREEMENT FOR FIRE PLAN REVIEW SERVICES – Adoption of Resolution No. 2023-288 authorizing the City Manager to execute an assignment and assumption agreement for fire plan review services with Dennis Grubb & Associates, LLC and Dennis Grubb & Associates, a Willdan Engineering Company. (Staff contact: Darcy Davidson, Fire Department)

CONSENT CALENDAR ITEM PULLED:

This item was pulled for discussion by Council Member Burkholder.

3. REVISIONS TO THE CARLSBAD PART-TIME, UNREPRESENTED, AND UNCLASSIFIED EMPLOYEES' SALARY SCHEDULES, AND REVISIONS TO THE UNREPRESENTED EMPLOYEES COMPENSATION AND BENEFITS PLAN – Adoption of Resolution No. 2023-284 approving revisions to the City of Carlsbad Part-Time Salary Schedule, Unrepresented Employees Salary Schedule, Unclassified (Emergency Medical Technician) Employees Salary Schedule, and Unrepresented Employees Compensation and Benefits Plan, effective Jan. 1, 2024, and

authorizing pay increases for part-time, unrepresented, and unclassified employees, effective Jan. 1, 2024. (Staff contact: Silvano Rodriguez and Judy von Kalinowski, Administrative Services)

In response to an inquiry from Council Member Burkholder, Human Resources Director Judy von Kalinowski explained that the 4% increase would amount to \$620,000 and that the funding for the increase was approved in the Fiscal Year 2023-24 budget. Finance Director Zach Korach confirmed the information.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to approve Consent Calendar Item No. 3. Motion carried unanimously, 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

8. ADOPTION OF ORDINANCE NO. CS-462 – REVISIONS TO CARLSBAD MUNICIPAL CODE CHAPTER 2.04 - ELECTED OFFICIALS – Adoption of Ordinance No. CS-462 Carlsbad Municipal Code Chapter 2.04 – Elected Officials, Specifically Section 2.04.030 – Duties of Mayor and Section 2.04.040 – Eligibility For Office. (Staff contact: Ana Marie Alarcon, City Clerk Department)

City Manager's Recommendation: Adopt Ordinance Nos. CS-462.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Ordinance No. CS-462. Motion carried unanimously, 5/0.

PUBLIC HEARINGS: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

9. AGREEMENT WITH NETLY FIBER HOLDINGS, LLC., TO GRANT A LICENSE FOR THE USE OF CITY-OWNED CONDUIT IN EXCHANGE FOR FIBER-OPTIC CABLE – Adoption of Resolution No. 2023-289 authorizing the City Manager to execute a conduit and fiber license agreement with Netly Fiber Holdings, LLC. (Staff contact: Maria Callander, Administrative Services)

City Manager's Recommendation: Adopt the resolution.

Information Technology Director Maria Callander and Assistant Information Technology Director Joe Stephenson presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2023-289. Motion carried unanimously, 5/0.

10. REVIEW OF 2023 TGIF CONCERTS IN THE PARK AND OPTIONS FOR 2024 TGIF CONCERTS IN

- THE PARK** 1) Receive a report of the 2023 TGIF Concerts in the Parks series; and
2) Adoption of Resolution No. 2023-290 authorizing the City Manager to direct the Deputy City Manager, Administrative Services, to appropriate an additional \$150,000 to the Library & Cultural Arts Department's FY 2023-24 operating budget to provide the additional funds needed to host nine concerts for the 2024 TGIF Concerts in the Parks series; and
3) Adoption of Resolution No. 2023-291 authorizing the City Manager to direct the Deputy City Manager, Administrative Services, to appropriate an additional \$50,000 to the Police Department's FY 2023-24 operating budget for enhanced safety measures at nine concerts for the 2024 TGIF Concerts in the Parks series; and
4) Direct the City Manager to include in the Library & Cultural Arts Department's and Police Department's FY 2024-25 Preliminary Operating Budget funding for hosting and providing security enhancements for nine concerts for the 2024 TGIF Concerts in the Parks season; and
5) Direct the City Manager to issue a request for proposals to seek interest in corporate sponsorship of the TGIF Concerts in the Parks Series consistent with City Council Policy 79 - Corporate Marketing Sponsorships; and
6) Provide any additional feedback or direction as desired, including direction on concert locations. (Staff contact: Morgen Fry, City Manager Department)

City Manager's Recommendation: Receive the report, adopt the resolutions and provide feedback.

Library & Cultural Arts Director Suzanne Smithson and Police Chief Mickey Williams presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

City Council received the report.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2023-290 and Resolution No. 2023-291, and directing the City Manager to include in the Library & Cultural Arts Department's and Police Department's FY 2024-25 Preliminary Operating Budget, funding for hosting and providing security enhancements for nine concerts for the 2024 TGIF Concerts in the Parks season; and directing the City Manager to issue a request for proposals to seek interest in corporate sponsorship of the TGIF Concerts in the Parks Series consistent with City Council Policy 79 Corporate Marketing Sponsorships. Motion carried unanimously, 5/0.

11. 2024 LEGISLATIVE PLATFORM AND LEGISLATIVE PROGRAM UPDATE – 1) Adoption of

- Resolution No. 2023-292 approving the City of Carlsbad 2024 Legislative Platform; and
2) Direct staff to advocate for five potential city-sponsored state legislative proposals and for federal, state and county funding for specified city projects; and
3) Receive reports on state and federal legislative and budget activity and recent and ongoing advocacy efforts and provide feedback to staff as desired. (Staff contact: Jason Haber, City Manager Department)

City Manager's Recommendation: Receive the report, adopt the resolution and provide direction to staff as desired.

Intergovernmental Affairs Director Jason Haber presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Blackburn, to adopt Resolution No. 2023-292. Motion carried unanimously, 5/0.

City Council received the report.

Mayor Blackburn called for a recess at 6:20 p.m.

Mayor Blackburn reconvened the meeting at 6:30 p.m.

12. UPDATE ON STATUS OF NEGOTIATIONS TO RELOCATE SAN DIEGO GAS & ELECTRIC'S NORTH COAST SERVICE CENTER – Receive status update and provide direction on negotiations to relocate SDG&E's North Coast Service Center. (Staff contact: Gary Barberio, Community Services and Cindie McMahon, City Attorney Department)

City Manager's Recommendation: Receive the report.

Deputy City Manager, Community Services Gary Barberio presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

City Council received the update.

13. REORGANIZATION OF THE CITY COUNCIL AND CMWD BOARD, ELECTION OF MAYOR PRO TEMPORE AND BOARD PRESIDENT AND VICE PRESIDENT, REGIONAL COMMITTEE ASSIGNMENTS AND SUBCOMMITTEE ASSIGNMENTS – 1) Adoption of Resolution No. 2023-293 appointing one member of the City Council to serve as Mayor Pro Tempore for a term ending in December 2024; and
2) Adoption of Carlsbad Municipal Water District Board Resolution No. 1722 appointing one member of the Board of Directors to serve as President of the Board and one member to serve as Vice President of the Board for a term ending in December 2024; and
3) Adoption of Resolution No. 2023-294 appointing members of the City Council to the San Diego Association of Governments Board of Directors; and
4) Adoption of Resolution No. 2023-295 appointing members of the City Council to the San Diego Association of Governments Shoreline Preservation Working Group; and
5) Adoption of Resolution No. 2023-296 appointing members of the City Council to the North County Transit District Board of Directors; and
6) Adoption of Carlsbad Municipal Water District Board Resolution No. 1723 confirming the Board President's appointment of a Board Member to the San Diego County Water Authority Board of Directors; and
7) Adoption of Resolution No. 2023-298 appointing members of the City Council to the Clean Energy Alliance Joint Powers Authority Board of Directors; and

8) Adoption of Resolution No. 2023-299 confirming the mayoral appointments to the various regional committee assignments, as reflected in Attachment A; and

9) Adoption of Resolution No. 2023-300 confirming the mayoral appointments of members of the City Council to the Economic Development Subcommittee. (Staff contact: Sheila Cobian, City Manager Department)

City Manager's Recommendation: Adopt the resolutions.

Kevin Sabellico urged Council to appoint a knowledgeable Council Member to the SANDAG Board of Directors.

Motion by Mayor Blackburn, seconded by Mayor Pro Tem, to adopt Resolution Nos. 2023-293 through 2023-300, and CMWD Resolution No. 1723, that all assignments remain unchanged from the previous year. Motion carried unanimously, 5/0.

Motion by Mayor Blackburn, seconded by Mayor Pro Tem, to adopt CMWD Resolution No. 1722 to appoint the Mayor as President and Mayor Pro Tem as Vice President of the Carlsbad Municipal Water District. Motion carried unanimously, 5/0.

COUNCIL REPORTS AND COMMENTS: Mayor Blackburn and the City Council Members reported on activities and meetings of some committees and subcommittees of which they are members.

ANNOUNCEMENTS: This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

Thursday, Dec. 14, 2023

11:30 a.m. – 1:30 p.m.

North County Economic Development Awards Luncheon

The Seabird Resort

101 Mission Ave.

Oceanside, CA

Thursday, Dec. 14, 2023

5:30 – 7:30 p.m.

Carlsbad Library & Arts Foundation Social Event

Carlsbad City Library

1775 Dove Lane

Carlsbad, CA

Tuesday, Dec. 19, 2023

7 a.m. – 9 a.m.

City of Carlsbad Holiday Breakfast & Service Award Recognition Ceremony

Omni La Costa Resort

2100 Costa Del Mar Road

Carlsbad, CA

CITY MANAGER COMMENTS: None.

CITY ATTORNEY COMMENTS: None.

CITY CLERK COMMENTS: None.

ADJOURNMENT: Mayor Blackburn adjourned the duly noticed meeting at 7:13 p.m.

Tamara R. McMinn, CPMC, CMC
Senior Deputy City Clerk



CITY COUNCIL
Special Meeting

Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Jan. 9, 2024, 4:15 p.m.

CALL TO ORDER: 4:15 p.m.

ROLL CALL: Blackburn, Bhat-Patel, Acosta, Burkholder, Luna.

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PUBLIC COMMENT ON AGENDA ITEM: None.

CLOSED SESSION:

City Attorney Cindie McMahon read the City Council into Closed Session.

Council adjourned into Closed Session at 4:15 p.m. pursuant to the following:

1. **CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION:** That the City Council, by motion, authorize a closed session regarding existing litigation in the matter of:

Rosen, Ina v. City of Carlsbad, Case No. 37-2022-00019589-CU-PO-NC, pursuant to Government Code Section 54956.9(d)(1).

Council Action: No reportable action.

ADJOURNMENT:

By proper motion, the Special Meeting of Jan. 9, 2024, was adjourned at 4:17 p.m.

Tamara R. McMinn, CPMC, CMC
Senior Deputy City Clerk



CITY COUNCIL
Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Jan. 9, 2024, 5 p.m.

CALL TO ORDER: 5 p.m.

ROLL CALL: Blackburn, Bhat-Patel, Acosta, Burkholder, Luna.

PLEDGE OF ALLEGIANCE: Council Member Burkholder led the Pledge of Allegiance.

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Dec. 5, 2023

Minutes of the Special Meeting held Dec. 12, 2023

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to approve the minutes. Motion carried unanimously, 5/0.

PRESENTATIONS:

Proclamation in recognition of Lynn Flanagan Day.

Mayor Blackburn presented the proclamation to Lynn Flanagan's daughter, Christine Adams, CEO of In Motion Events.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: City Attorney Cindie McMahon announced there was no reportable action.

PUBLIC COMMENT:

Tim Morgan expressed concerns regarding the construction of a fence at Valley Middle School.

Scott Master expressed concerns regarding the view spot on Babilonia Street.

CONSENT CALENDAR:

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to approve Consent Calendar Item Nos. 1 through 8. Motion carried unanimously, 5/0.

1. **REPORT ON CITY INVESTMENTS AS OF NOV. 30, 2023** – Accept and file Report on City Investments as of Nov. 30, 2023. (Staff contact: Craig Lindholm and Roxanne Muhlmeister, Administrative Services)
2. **AWARDING A CONTRACT TO CONAN CONSTRUCTION, INC. FOR CONSTRUCTION OF THE CALAVERA HILLS COMMUNITY CENTER REFURBISHMENT PROJECT** – Adoption of Resolution No. 2024-001 accepting bids, determining the bid submitted by Dynamis Now, LLC to be non-responsive, and awarding a contract to Conan Construction, Inc. for construction of the

Calavera Hills Community Center Refurbishment Project, in an amount not to exceed \$1,217,750. (Staff contact: Molly Amendt, Public Works Department)

3. ADVERTISE FOR BIDS FOR THE SCHULMAN AUDITORIUM AUDIO-VISUAL UPDATE PROJECT – Adoption of Resolution No. 2024-002 approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Schulman Auditorium Audio-Visual Update Project. (Staff contact: Steven Stewart, Public Works Department)
4. AUTHORIZE ADDITIONAL CONTINGENCY FUNDS FOR THE PRESSURE-REDUCING STATION REPLACEMENT PHASE 2 PROJECT – Adoption of a Carlsbad Municipal Water District Board of Directors Resolution No. 1724 authorizing additional contingency funds and increasing the Executive Manager's authority for approval of change orders by \$345,300 to the revised amount of \$870,000 for the Pressure-Reducing Station Replacement Phase 2 Project. (Staff contact: Emily Hasegawa and Dave Padilla, Public Works Department)
5. AMENDMENT TO A GRANT OF EASEMENT WITH THE SAN DIEGO GAS AND ELECTRIC FOR THE POWER YOUR DRIVE FOR FLEETS MAKE-READY INFRASTRUCTURE PROGRAM – Adoption of Resolution No. 2024-003 authorizing a first amendment to a grant of easement with San Diego Gas and Electric for the Power Your Drive for Fleets Make-Ready Infrastructure Program to install electric vehicle charging infrastructure. (Staff contact: Bradley Northup, Public Works Department)
6. ADVERTISE FOR BIDS FOR THE VALLEY STREET WATER MAIN REPLACEMENT PROJECT AND THE FOXTAIL LOOP, PALOMAR OAKS WAY AND TYLER STREET ALLEY SEWER PROJECTS – 1) Adoption of a Carlsbad Municipal Water District Board of Directors Resolution No. 1725 approving plans, specifications and contract documents and authorizing the Secretary of the Board of Directors to advertise for bids for the Valley Street Water Main Replacement Project; and
2) Adoption of Resolution No. 2024-004 approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Foxtail Loop, Palomar Oaks Way and Tyler Street Alley Sewer projects. (Staff contact: Dave Padilla and Daniel Zimny, Public Works Department)
7. AGREEMENT FOR SYSTEM INTEGRATOR SERVICES TO REPLACE THE WATER AND WASTEWATER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEMS – 1) Adoption of a Carlsbad Municipal Water District Board of Directors Resolution No. 1726 approving a professional services agreement with Partners in Control, Inc., doing business as Enterprise Automation, for system integrator services for Phase 1 of the project to replace the water and wastewater Supervisory Control and Data Acquisition Systems; and
2) Adoption of Resolution No. 2024-005 authorizing the use of the sewer replacement fund for the city's portion of a professional services agreement with Partners in Control, Inc., doing business as Enterprise Automation, for system integrator services for Phase 1 of the project to replace the water and wastewater Supervisory Control and Data Acquisition Systems. (Staff contact: Stephanie Harrison and Vicki Quiram, Public Works Department)

8. ACQUISITION AND RESALE OF EIGHT UNITS AS PART OF THE CITY'S AFFORDABLE HOUSING RESALE PROGRAM – Adoption of Resolution No. 2024-006 authorizing the City Manager to execute all required documents to complete the purchase and resale of eight at-risk affordable housing units as part of the City's Affordable Housing Resale Program and authorizing the Deputy City Manager, Administrative Services to appropriate \$2,056,755 from the Housing Trust Fund for related costs. (Staff contact: Nicole Piano-Jones, Community Services)

BOARD AND COMMISSION MEMBER APPOINTMENTS:

9. MAYORAL APPOINTMENT OF ONE MEMBER TO THE BEACH PRESERVATION COMMISSION – Adoption of Resolution No. 2024-007 appointing Spencer Burrows to the Beach Preservation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager's Recommendation: Adopt the resolution.

Motion by Mayor Blackburn to adopt Resolution No. 2024-007 appointing Spencer Burrows to the Beach Preservation Commission. Motion carried unanimously, 5/0.

10. DISTRICT 4 APPOINTMENT OF ONE MEMBER TO THE PARKS & RECREATION COMMISSION – Adoption of Resolution No. 2024-008 appointing Julie Ann Knight to the Parks & Recreation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager's Recommendation: Adopt the resolution.

Motion by Council Member Acosta to adopt Resolution No. 2024-008 appointing Julie Ann Knight to the Parks & Recreation Commission. Motion carried unanimously, 5/0.

ORDINANCES FOR INTRODUCTION:

11. ANNUAL ELECTED OFFICIAL COMPENSATION REVIEW – 1) Conduct the annual review of elected officials' compensation; and
2) Introduce an ordinance titled either:
A. "An ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.010(A), to adjust City Council members' compensation by 4 percent" (Exhibit 1), or
B. "An ordinance of the City Council of the City of Carlsbad, California, permanently waiving City Council compensation adjustments for 2024" (Exhibit 2); or,
C. Provide other direction as desired.
3) Introduce an ordinance titled either:
A. "An ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.020(A), to adjust City Clerk and City Treasurer compensation by 4 percent" (Exhibit 3), or
B. "An ordinance of the City Council of the City of Carlsbad, California, declining City Clerk and City Treasurer compensation adjustments for 2024" (Exhibit 4); or,

C. Provide other direction as desired.

(Staff contact: Judy von Kalinowski and Silvano Rodriguez, Administrative Services)

City Manager's Recommendation: Conduct the review and adopt the ordinances.

Human Resources Director Judy von Kalinowski and Senior Management Analyst Silvano Rodriguez presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

In response to an inquiry from Mayor Blackburn, Human Resources Director von Kalinowski explained that the salary increase for all bargaining groups was 4 percent.

Council Member Burkholder explained that she is against a compensation increase for Council Members, but not for the City Clerk and City Treasurer due to uncertain economic times.

Council Member Luna stated that she would support 2A and 3A.

Mayor Blackburn explained that he asked about the percentage increase because he believes that Council should be a good example and not give themselves a higher increase than the employees.

Mayor Blackburn proposed a 4 percent increase for Elected Officials. Council Member Luna seconded Mayor Blackburn's motion.

Council Member Acosta expressed support for the motion.

Motion by Mayor Blackburn, seconded by Council Member Luna, to revise the City Council Members, City Clerk and City Treasurer compensation by 4 percent instead of by the percentage increase in the San Diego Regional Consumer Price Index for 2023.

Motion by Council Member Luna, seconded by Mayor Blackburn to introduce Ordinance No. CS-463 and CS-464. Motion passed unanimously, 5/0.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARING:

12. **TAX AND EQUITY FISCAL RESPONSIBILITY ACT PUBLIC HEARING FOR THE REISSUANCE OF TAX-EXEMPT BONDS FOR THE MARIPOSA APARTMENTS** – 1) Hold a public hearing as required by the Tax and Equity Fiscal Responsibility Act and the Internal Revenue Code of 1986; and 2) Adoption of Resolution No. 2024-009 approving the reissuance of tax-exempt multifamily housing revenue bonds and certain actions required to remarket the bonds for the Mariposa Apartments, a 106-unit multifamily affordable rental housing development located in Carlsbad, California. (Staff contact: Mandy Mills, Community Services)

City Manager's Recommendation: Take public input, close the public hearing, and adopt the resolution.

Housing & Homeless Services Director Mandy Mills presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Mayor Blackburn opened the duly noticed public hearing at 5:25 p.m.

Seeing no one wishing to speak on this item, Mayor Blackburn closed the duly noticed public hearing at 5:25 p.m.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2024-009. Motion carried unanimously, 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

13. 2024 WORK PLANS FOR THE PARKS & RECREATION COMMISSION, SENIOR COMMISSION AND BEACH PRESERVATION COMMISSION – 1) Adoption of Resolution No. 2024-010 accepting the 2023 Work Plan Report of Accomplishments and approving the 2024 Work Plan for the Parks & Recreation Commission; and
2) Adoption of Resolution No. 2024-011 accepting the 2023 Work Plan Report of Accomplishments and approving the 2024 Work Plan for the Senior Commission; and
3) Adoption of Resolution No. 2024-012 accepting the 2023 Work Plan Report of Accomplishments and approving the 2024 Work Plan for the Beach Preservation Commission. (Staff contact: Mick Calarco, Eric Biggin and Nick Stupin, Community Services)

City Manager's Recommendation: Adopt the resolutions.

Recreation Services Manager Mick Calarco, Recreation Area Manager Eric Biggin and Parks Planning Manager Nick Stupin presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Parks & Recreation Commission Chair Robert Winston spoke in support of the Parks & Recreation Commission work plan.

Senior Commission Chair Kathy Rangus spoke in support of the Senior Commission work plan.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2024-010, Resolution No. 2024-011 and Resolution No. 2024-012. Motion carried unanimously, 5/0.

14. UPDATE ON THE BARRIO TRAFFIC CIRCLES PROJECT AND SELECTING A TRAFFIC CALMING OPTION FOR TWO OF THE EIGHT INTERSECTIONS - Receive an update; and 1) Adoption of Resolution No. 2024-013 approving curb extensions at the intersections of (1) Palm Avenue

and Harding Street and (2) Magnolia and Madison Street for the Barrio Traffic Circles Project;
or

2) Adoption of a resolution approving raised medians at the intersections of (1) Palm Avenue and Harding Street and (2) Magnolia and Madison Street for the Barrio Traffic Circles Project (Staff contact: Tom Frank and Lauren Ferrell, Public Works Department)

City Manager's Recommendation: Receive the update and adopt a resolution.

Transportation Director Tom Frank and Associate Engineer Lauren Ferrell presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Director of Community Services at Father Raymond Moore Hall, Socorro Anderson spoke in support of the Barrio Traffic Circles Project.

Jackie McGee spoke in support of the Barrio Traffic Circles Project.

William Zettner spoke in support of curb extensions instead of medians.

In response to an inquiry from Council Member Acosta, Transportation Director Frank explained that the project was initiated in 2013 and various options to manage speed were explored. Director Frank further explained that the traffic calming options were included in the Village and Barrio Master Plan which was approved by Council.

Council Member Burkholder stated she is in support of curb extensions.

Council Member Acosta stated she is in support of curb extensions.

Mayor Pro Tem Bhat-Patel stated she is in support of curb extensions and traffic circles.

Mayor Blackburn stated he is in support of curb extensions.

In response to an inquiry from Council Member Luna, Transportation Director Frank explained that there are many ways to slow speeds and there are pros and cons to both options.

In response to an inquiry from Council Member Burkholder, Transportation Director Frank explained that there is no police data available at the moment, but that traffic circles are designed to accommodate the commercial vehicles.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2024-013, Option 1, approving curb extensions. Motion carried unanimously, 5/0.

15. SEMIANNUAL TRANSPORTATION REPORT – Receive the Semiannual Transportation Report.

(Staff contact: Tom Frank, Public Works Department)

City Manager's Recommendation: Receive the report.

Transportation Director Tom Frank presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Traffic Safety and Mobility Commissioner, Bill Fowler spoke in support of the various transportation improvements.

In response to an inquiry from Mayor Blackburn, Transportation Director Frank explained that there were some re-surfacing and road painting delays due to challenges with the contractor.

The City Council received the report.

COUNCIL REPORTS AND COMMENTS: Mayor Blackburn and the City Council Members reported on activities and meetings of some committees and subcommittees of which they are members.

ANNOUNCEMENTS: This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

Thursday, Jan. 25, 2024
4 a.m. - 8 a.m.
2024 Point-in-Time Homelessness Census
Harding Community Center
3096 Harding St., Carlsbad, CA 92008

CITY MANAGER COMMENTS: None.

CITY ATTORNEY COMMENTS: None.

CITY CLERK COMMENTS: None.

ADJOURNMENT: Mayor Blackburn adjourned the duly noticed meeting at 6:31 p.m.

Ana Marie Alarcon, CMC
Deputy City Clerk



CITY COUNCIL Staff Report

Meeting Date: Jan. 30, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Sheila Cobian, Legislative & Constituent Services Director
sheila.cobian@carlsbadca.gov, 442-339-2917

Subject: Adoption of Ordinance Nos. CS-463 and CS-464 Annual Elected Officials Compensation Review

District: All

Recommended Action

Adoption of the following:

1. "Ordinance No. CS-463, an Ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.010 (A), to adjust City Council Member Compensation by 4 %"
2. "Ordinance No. CS-464, an Ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.020(A), to adjust the City Clerk and City Treasurer Compensation by 4 %"

Executive Summary

The City Council is being asked to adopt Ordinance Nos. CS-463 and CS-464, amending Title 2, Chapter 2.04 of the Carlsbad Municipal Code related to adjustment of City Council member compensation and City Clerk and City Treasurer compensation.

Explanation & Analysis

Ordinance Nos. CS-463 and CS-464 were introduced and first read at the City Council meeting held on Jan. 9, 2024. On a motion by Council Member Luna, seconded by Mayor Blackburn, the City Council voted 5-0 to introduce Ordinance Nos. CS-463 and CS-464 adjusting the City Council, City Clerk and City Treasurer compensation by 4 %. The second reading allows the City Council to adopt the ordinances, which will become effective 30 days after adoption.

Fiscal Analysis

The full fiscal impact for the increase in City Council compensation, including the impact to benefits, is approximately \$5,900. The full fiscal impact for the increase in City Clerk and City Treasurer compensation, including the impact to benefits, is approximately \$1,200. There is sufficient funding in the General Fund budget for fiscal year 2023-24 to absorb the proposed increase.

Next Steps

The City Clerk's Office will have the ordinances, or a summary of the ordinances, published in a newspaper of general circulation within 15 days following adoption of the ordinances.

Environmental Evaluation

In keeping with Public Resources Code Section 21065, this action does not constitute a project within the meaning of the California Environmental Quality Act in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review.

Exhibits

1. Ordinance No. CS-463
2. Ordinance No. CS-464

ORDINANCE NO. CS-463

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.04, SECTION 2.04.010(A),
TO ADJUST CITY COUNCIL MEMBER COMPENSATION BY 4%

WHEREAS, on November 3, 2020, the voters of the City of Carlsbad, California, approved Measure G, adopting Title 2, Chapter 2.04, Section 2.04.010(A) of the Carlsbad Municipal Code, which prohibits City Council compensation adjustments from exceeding the amount established by the San Diego Regional Consumer Price Index, requires the City Council to either make or waive a compensation adjustment in January of each year, and prohibits the City Council from enacting retroactive increases for years in which the City Council waived a compensation adjustment; and

WHEREAS, the increase in the November San Diego Regional Consumer Price Index for 2023 was 5.2%; and

WHEREAS, the City Council desires to adjust the compensation of City Council members by 4%.

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

1. That the above recitations are true and correct.
2. That the first sentence of Title 2, Chapter 2.04, Section 2.04.010(A) is amended to read:

2.04.010 Compensation—Mayor and city council.

- A. The monthly compensation of city council members is increased from \$2,264.18 to \$2,354.75.

EFFECTIVE DATE: 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.

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

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CINDIE K. McMAHON, City Attorney

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

ORDINANCE NO. CS-464

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.04, SECTION 2.04.020(A), TO ADJUST CITY CLERK AND CITY TREASURER COMPENSATION BY 4%

WHEREAS, on October 18, 2022, the City Council of the City of Carlsbad, California, adopted Ordinance No. CS-435, which prohibits City Clerk and City Treasurer compensation adjustments from exceeding the amount established by the San Diego Regional Consumer Price Index, requires the City Council to determine whether to approve City Clerk and City Treasurer compensation adjustments in January of each year, and prohibits the enactment of retroactive increases for years in which the City Council did not approve compensation adjustments; and

WHEREAS, the increase in the November San Diego Regional Consumer Price Index for 2023 was 5.2%; and

WHEREAS, the City Council desires to adjust the compensation of the City Clerk and City Treasurer by 4 %.

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

1. That the above recitations are true and correct.
2. That the first sentence of Title 2, Chapter 2.04, Section 2.04.020(A) is amended to read:

2.04.020 Compensation—City clerk and city treasurer.

- A. The compensation of the city clerk and city treasurer is increased from \$1,141.69 to \$1,187.36 per month, payable biweekly.

EFFECTIVE DATE: 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.

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

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CINDIE K. McMAHON, City Attorney

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



CITY COUNCIL

Staff Report

Meeting Date: Jan. 30, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Eric Lardy, City Planner
eric.lardy@carlsbadca.gov, 442-339-2712

Robert Efird, Principal Planner
robert.efird@carlsbadca.gov, 442-339-5148

Subject: 2021-2029 Housing Element Rezoning Program (GPA 2022-0001/ZCA
2022-0004/ZC 2022-0001/AMEND 2023-0008/AMEND 2023-0009/AMEND
2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015/EIR
2022-0007 (PUB 2022-0010)

Districts: All

Recommended Action

That the City Council hold a public hearing and:

1. Adopt a resolution certifying the final environmental impact report and adopting the findings of fact, statement of overriding considerations, and mitigation monitoring and reporting program for amendments to the General Plan Land Use and Community Design Element (Including the Land Use Map), Public Safety Element, Zoning Ordinance, Zoning Map, Bressi Ranch Master Plan, Green Valley Master Plan, Fenton Carlsbad Center Specific Plan, North County Plaza Specific Plan, Westfield Carlsbad Specific Plan, and the Local Coastal Program, based on the findings contained therein (Exhibit 1).
2. Adopt a resolution approving amendments to the General Plan Land Use and Community Design Element, Land Use Map, Public Safety Element, and the Local Coastal Program to implement objectives B, C, and D of Housing Element Program 1.1 and Objective B of Housing Element Program 1.3 (Exhibit 2).
3. Adopt a resolution requiring greater affordability levels for identified properties (Exhibit 3).
4. Introduce an ordinance amending the Zoning Ordinance and Zoning Map, Title 21 of the Carlsbad Municipal Code, to implement portions of Objectives B, C, and D of Housing Element Program 1.1 and Objective B of Housing Element Program 1.3 for Map 1 (All Sites), (Exhibit 4).
5. Introduce an ordinance amending the Bressi Ranch Master Plan, Fenton Carlsbad Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan (Exhibit 5).

Executive Summary

Under state law, the specific purposes of the Housing Element in a city's General Plan are to assess both current and future housing needs and constraints and establish housing goals, policies and programs that provide a strategy for meeting those identified housing needs. The city's current Housing Element, adopted by the City Council certified by the State's Department of Housing & Community Development in 2021, establishes a comprehensive policy framework to guide city decision-making to meet identified housing goals.

A central component of the Housing Element is ensuring that there's there is an adequate number of properties available to accommodate the city's share of regional housing needs. As mandated by state law, for the 2021-2029 housing cycle, the city must accommodate and plan for a total of 3,873 new housing units.

One of the most labor-intensive components of this process is the inventory and analysis of adequate housing sites. The city must determine whether there is enough land available with adequate zoning to accommodate its housing allocations for varying income levels. If it's unable to accommodate the specified housing quantities at varying income levels, the city must rezone enough land to allow for enough residential development to meet its housing allotment or face significant penalties, which are discussed further below.

Although Carlsbad can accommodate a portion of the projected future growth with the existing zoning on property already designated for homes, to meet state requirements, the city needs to rezone enough additional sites by April 2024 to accommodate about 2,600 more multifamily housing units. The city already has the zoning capacity for about 1,300 of the required units.

After substantial input from the community, the City Council directed staff on February 15, 2022, to study the environmental impacts of 18 sites for new or expanded housing before deciding which to rezone. The proposed action includes amendments to the Land Use & Community Design Element of the General Plan, updates to related master and specific plans for consistency, and amendments to the city's zoning ordinance.

Additionally, state law mandates that jurisdictions update the public safety element in their general plans in conjunction with updating their housing elements to include data and new information that was not available in the last update in 2015 as well as policies and programs necessary to ensure existing and future development is better protected from various natural and human-caused hazards. The recommended action includes amendments to the city's Public Safety Element to address state requirements.

An environmental analysis of the potential impacts associated with the proposed updates and amendments was prepared and released for public review and the findings were presented before the Planning Commission on Oct. 18, 2023. Following public testimony, discussion and deliberation, the Planning Commission voted to recommend that the City Council certify the environmental documents and adopt updates to the General Plan elements, ordinance amendments and related documents that implements changes to all proposed rezone sites.

Additionally, the Housing Commission recommended on Dec. 14, 2023, that the City Council approve a minimum affordability requirement of 20% for non-city owned sites and 40% for city-owned sites identified as part of the process to rezone properties and help meet the city's housing allotment. That means that 20% of the units in residential developments that were identified as a housing site or

received density increases as part of this rezone program and 40% of those on city-owned sites must be offered at prices that are affordable to lower income families.

The actions being presented for the City Council's consideration are the recommendations of both the Planning Commission and Housing Commission. These actions will help accommodate the city's housing needs under the city's adopted Housing Element while balancing the needs of the community and potential environmental impacts with the need to remain in compliance with state housing laws and mandates.

Explanation & Analysis

Purpose of a Housing Element

Local housing is enshrined in state law as a matter of "vital statewide importance" and, since 1969, California has required all local governments to plan to meet the housing needs of everyone in the community through the development of a housing element. The Housing Element is the section of Carlsbad's General Plan¹ that provides a strategy for promoting safe, decent, and affordable housing.

Under state law, a city's housing element:

- Identifies its housing conditions and needs
- Establishes the goals, objectives and policies that are the foundation of the city's housing strategy
- Provides an array of programs and opportunities to create sustainable, mixed-income neighborhoods across the city

The Housing Element must be updated at least every eight years.

The city's current Housing Element was adopted by the City Council on April 6, 2021, and certified by the California Department of Housing & Community Development² on July 13, 2021. The Housing Element includes policies, programs and objectives showing how the city intends to accommodate its share of housing for the 2021-2029 housing cycle. There are 39 Housing Element programs, which are further divided into 159 program objectives. These objectives identify ongoing efforts the city must implement throughout the housing period and actions the city must accomplish at specified times.

Determining the city's future housing needs

Providing housing to meet the needs of all income levels is critical to the social and economic health of a city, and a huge component of the Housing Element is how a jurisdiction plans to address its regional housing needs assessment. This assessment process is the part of state housing law that is used to determine how many new homes, and the affordability of those homes, each local government must plan for in its housing element. This process is repeated every eight years, and, for this housing cycle, the San Diego region is planning for the period from 2021 to 2029.

¹ The General Plan is Carlsbad's long-term blueprint for how it will grow and develop, a comprehensive collection of goals and policies related to a multitude of aspects of community life. In California, cities and counties are required by state law to have a general plan. The city's General Plan is made up of nine elements: Land Use & Community Design; Mobility; Open Space, Conservation & Recreation; Noise, Public Safety; Arts, Culture, History & Education; Economy, Business Diversity & Tourism; Sustainability; and Housing.

³ Inclusionary housing is a tool of local government that requires a developer to preserve a certain percentage of units in a new housing development as affordable for people with lower incomes. The City of Carlsbad adopted its inclusionary housing ordinance in 1993. It requires that a minimum of 15% of the units within a project be affordable to lower-income families. The program has resulted in the development of about 2,500 affordable units citywide over the past 25 years.

Responsibility for carrying out this process is shared among state, regional, and local governments.

Role of the state

The state Housing and Community Development department is responsible for identifying the total number of homes each region in California must accommodate to meet the housing needs of people across the full spectrum of income levels, from housing for very low-income households all the way to market rate housing. The state determines how much housing is needed for each region based on several factors, including demographic trends, housing conditions and population forecasts.

Role of the region

Once the statewide housing need is determined, Housing and Community Development assigns the housing units to the 21 council of governments throughout the state. Once the regional housing needs assessment is determined for the region, each council of governments develops a methodology for how the units will be distributed to its member agencies, the county and local governments. As the council of government for the San Diego region, the San Diego Association of Governments (SANDAG) is responsible for developing the methodology for distributing the housing units required by the state’s assessment among the 18 San Diego cities and, for the unincorporated areas, the County of San Diego.

Role of local governments

Cities and counties are responsible for participating in the development of the housing allocation methodology and updating their housing elements and local zoning to show how they will accommodate their respective housing needs allocation.

To provide adequate housing for the full spectrum of income levels, the allocated number of housing units each jurisdiction must provide for is distributed by varying income categories. The state uses the income categories established by the U.S. Department of Housing and Urban Development (HUD), which groups income ranges for different household types into five income categories: extremely low, very low, low, moderate, and above-moderate household income.

HUD bases the household income for each of these categories on a percentage of a particular region’s area median income, or AMI. Carlsbad falls within the San Diego County region, which as of 2023 has a current AMI of \$116,800 per year for a four-person household. To help illustrate, the following table shows the varying income categories for a family of four.

Breakdown of different income levels based on area median income

Income category	AMI	Family of four ¹
Extremely low income	Less than 30% AMI	Less than \$41,350
Very low income	30-50% AMI	\$68,900
Low income	50-80% AMI	\$110,250
Moderate income	80-120% AMI	\$140,150
Above moderate income	More than 120% AMI	More than \$140,150

¹Assumes income at higher end of the AMI scale

Housing and Community Development and SANDAG also use these income categories when allocating the need for housing.

The SANDAG Board of Directors approved the Regional Housing Needs Assessment allocation methodology for the 2021-2029 housing cycle on Nov. 22, 2019, assigning housing requirements to its member agencies. The table below reflects Carlsbad’s housing allocation.

Very low	Low	Moderate	Above moderate	Total allocation
1,311 units	784 units	749 units	1,029 units	3,873 units

As the table shows, over 50% of the allocation serves the housing needs of lower income families. In total, the city needs to allow for the development of nearly 3,900 new housing units to accommodate the growth from 2021-2029 for all income groups as estimated through the housing needs assessment process.

Planning for affordable versus building affordable

As noted above, local governments are required under state law to ensure that there’s enough land available with adequate zoning to accommodate the number of units they are allocated through the regional housing needs assessment for the entire housing cycle. So, what type of zoning makes a house affordable to an income group? In a word, density.

The foundation of Housing Element Law is based on the premise that density is a proxy for affordability. The idea being, the more housing units on a site – the density – translates to lower construction costs per unit, which translates to lower rental and sale prices of those units – the affordability.

The Department of Housing and Community Development assigns the following minimum density figures to each income category:

Income category	% of AMI	Minimum density (dwelling units per acre) ¹
Very low	Less than 50%	30 du/ac
Low	50-80%	30 du/ac
Moderate	80-120%	15 du/ac
Above moderate	More than 120%	less than 15 du/ac or more

¹In Carlsbad, Housing and Community Development has accepted 26.5 dwelling units per acre as the minimum density for the very low- and low-income categories and 11.5 dwelling units per acre as the minimum density for the moderate-income category.

This strategy of linking density with affordability may work in areas where utility and land costs are low and market rate housing is naturally affordable to lower income families. However, most local governments, especially those in coastal cities, can attest that higher density development alone rarely — if ever — translates to housing that is affordable at the targeted lower income categories.

Given this reality, the state requires that cities develop and implement programs that will help facilitate affordable housing costs, but the programs cannot be too onerous or restrictive to make the housing development financially infeasible to construct.

That means that while cities can impose inclusionary housing requirements,³ requiring new developments include affordable housing, Housing and Community Development generally limits the requirement to no more than 15% to 20% of the total units in the project.

This becomes problematic for jurisdictions: While the state requires local governments to ensure that land is adequately zoned to accommodate a total number of units, they must also ensure the constructed units align with assumed income categories. If the newly constructed housing units are not affordable at the targeted income category, the city is required under state law to find other sites to rezone to make up the shortfall. Consider the following hypothetical example:

- A city identifies a 10-acre site and applies a 30 dwelling-unit-per-acre zoning designation. In its Housing Element, 300 units are credited towards the city’s low-income regional housing needs allocation.
- Later, a developer proposes to build a 290-unit project on the site. Because the city has a 15% inclusionary housing requirement, 44 of the 290 units must be restricted as affordable for low-income.
- The project is constructed, and the 246 unrestricted units sell at above-market prices.

In this example, the city assumed 300 units would be built on this site and that all of them would be low-income units, but only 290 were constructed and only 44 were restricted for low-income, so the city is obligated to rezone another site or other sites at the appropriate density to make up the 256 low-income unit shortfall.

This is why the Department of Housing and Community Development strongly recommends that cities include buffers of at least 30% more units than they were allocated through housing needs assessment process to account for these situations. This reduces the need for the city to constantly look for sites to rezone, and it reduces the city’s risk of falling out of compliance with the state.

Addressing the city’s future housing needs shortfall

Although Carlsbad can accommodate some of its regional housing needs assessment allocation on property already designated for homes, the city must rezone additional sites to accommodate about 2,600 higher density housing units to meet state requirements and guidelines, as shown in the table below.

	Very low	Low	Moderate	Above moderate	Total
RHNA allocation	1,311 Units	784 units	749 units	1,029 units	3,873 units
Current zoning	440 units	258 units	422 units	1,713 units	2,833 units
Difference	871 units	526 units	327 units	N/A	1,724 units
+30% buffer	394 units	235 units	225 units	N/A	853 units
Total units needed	1,265 units	761 units	552 units	N/A	2,578 units

³ Inclusionary housing is a tool of local government that requires a developer to preserve a certain percentage of units in a new housing development as affordable for people with lower incomes. The City of Carlsbad adopted its inclusionary housing ordinance in 1993. It requires that a minimum of 15% of the units within a project be affordable to lower-income families. The program has resulted in the development of about 2,500 affordable units citywide over the past 25 years.

Program 1.1 of the city's certified Housing Element requires the city to make land use changes, that is, to rezone property, to accommodate the city's share of the regional housing needs assessment. The rezoning effort must be considered and adopted by the City Council by April 2024.

After significant and substantial community engagement, the City Council on Aug. 17, 2021, endorsed two maps identifying potential sites for rezoning as well as an accompanying public engagement plan. The City Council also directed staff to release the maps for public review and return to the City Council with a summary of the public input. Most of the sites on the maps had been identified in Appendix C of the approved Housing Element, which was also publicly vetted prior to adoption. At a public meeting, the City Council added four sites for the community's consideration, all in the city's Southwest Quadrant, for a total of 18 potential sites (Refer to the City Council staff report provided as Exhibit 8 for more information on this process).

Following City Council direction, staff initiated the public engagement plan, enabling stakeholders to participate and comment in different forms on the potential housing sites from Sept. 2 - Oct. 22, 2021. One of the more effective outreach tools was an online interactive map that identified the 18 potential sites and enabled users to click on each site to receive more information, such as a description of the property and the number of housing units possible. The map also provided both aerial and topographic imagery to help identify surrounding features.

The results of the community engagement and input effort were presented before the City Council on Feb. 15, 2022. The City Council selected two rezone map options and directed staff to proceed to the next step of the process, which included a complete environmental review of the sites slated to be rezoned. Refer to the staff report provided as Exhibit 9 for more information on this process.

Staff studied both maps fully and determined they meet the rezoning objectives. Staff's recommendation is to adopt Map 1, which provides the city the greatest number of sites. However, Map 2 also provides enough units to satisfy the requirements of Program 1.1 and provide the 30% buffer the state recommended for a city. As an option, resolutions and ordinances to adopt Map 2 are included in Exhibits 6 and 7.

The environmental impact report did not identify any additional significant environmental impacts between the two map options. Since the environmental document studied a specified combination of sites as the Map 1 and Map 2 options in their entirety, there is only a limited ability to make changes to the maps without additional environmental review. Additionally, the maps were created to both meet the number of units specified in Housing Element Program 1.1, but also the required distribution of sites in different locations throughout the city. Any action different from adopting one of the two maps would need to be evaluated for compliance with these requirements, and resolutions to adopt the associated documentation would need to be prepared for the City Council's consideration at a later meeting.

Commission discussions & recommendations

- Planning Commission

On October 18, 2023, the Planning Commission recommended that the City Council certify the environmental documents and adopt the plan and ordinance amendments corresponding with the Map 1 scenario, including all 18 sites analyzed. Eleven speakers commented, expressing support and opposition to some of the sites and concerns about traffic, safety, whether there

was adequate infrastructure and compliance with the city's Growth Management Plan, among other issues.

- **Housing Commission**

On Dec. 14, 2023, the Housing Commission received a staff report providing information only on the site rezoning process and also proposing a greater minimum affordability requirement for city-owned parcels and all other parcels identified as part of the process to rezone properties and help meet the city's housing allotment. The proposed affordability requirement would require a certain percentage of units in a development to be affordable to lower-income households through rental or deed restrictions and would exceed the 15% affordability requirement of the city's Inclusionary Housing Ordinance.

The commission passed a resolution recommending that a minimum affordability requirement of 20% apply to all non-city owned sites and a 40% requirement apply to city owned sites. The city owned sites include Site 2, The Shoppes at Carlsbad parking lot; Site 6, the Crossings Golf Course Lot 5; and Site 15, the Oak Maintenance Yard. Land value is one of the main contributors to housing cost in the region. This requirement for a higher percentage of affordable housing allows the city to leverage the property ownership by using the land value to offset development costs to provide affordable housing and help meet housing production goals. The commission also recommended that if the amount of required affordable housing is achieved within the current housing cycle, that the City Council may consider reducing the recommended affordability requirement to 15%.

Four speakers at the meeting provided input on various topics, including support for the greater requirement and concerns about future housing and adequate parking, increased traffic, and short-term vacation rentals. A speaker also expressed concern about a concentration of affordable housing near Site 8, Cottage Row, which is on the west side of Aviara Parkway south of Palomar Airport Road.

Failing to comply with state housing law

By not approving the rezones necessary to accommodate the city's housing unit shortfall by April 2024, the city would be out of compliance with Program 1.1 - Provide Adequate Sites to Accommodate the RHNA of the city's state-certified Housing Element.

Assembly Bill 72, which passed in 2017, authorized Housing and Community Development to review "any action or failure to act" by a city that it determines "inconsistent" with the city's adopted housing element or Government Code Section 65583 (part of the state's Housing Element Law), including any failure to implement any programs included in the jurisdiction's housing element.

If Housing and Community Development determines that the city's action or failure to act does not "substantially comply" with the state Housing Element Law, or the city's adopted housing element as certified by the state, or the department finds that a city has taken or failed to act in violation of the state Housing Accountability Act, then it may revoke its certification until it determines that the city has come into compliance. Additionally, Housing and Community Development may also notify the California Office of the Attorney General that the city is in violation of state law, and that office may take legal action against the city.

Should Housing and Community Development decertify a city's housing element, the city is then subject to Government Code section 65589.5(d)(5), known as the "builder's remedy." This is a

provision of California's Housing Accountability Act that prevents jurisdictions without a substantially compliant housing element from denying approval for certain housing projects, even if such projects do not comply with the jurisdiction's zoning ordinance or general plan. In other words, developers would be allowed to place housing anywhere in the city, at any density without any discretionary review or approval by the city.

Community Engagement

Community engagement has been an important part of the Housing Element update process since it began. This has included:

- 14 meetings of the Housing Element Advisory Committee, which were promoted as opportunities for community input and livestreamed.
- Nine news releases announcing opportunities for input or sharing updates throughout the process.
- 31 email updates to a list of approximately 3,100.
- 48 posts on social media, including Nextdoor, with a total reach of more than 102,000.
- Direct mail notices to more than 4,000 residences six times.
- Two online surveys with 5,202 total participants and 4,086 comments.
- Two online public workshops with 71 total participants.
- Three environmental scoping meetings with 50 total participants.
- 300+ flyers announcing opportunities for input distributed to city libraries and community centers four times.

Fiscal Analysis

There is no direct fiscal impact associated with the recommended action. The requirement to build additional housing units in the city will generate additional revenue; however, the timing and amount of this revenue are difficult to predict, so it will be incorporated into the city's budget on an annual basis.

Next Steps

Following the City Council's introduction of the ordinance, it will be scheduled at the City Council's next meeting for adoption. Thirty days following adoption, the proposed code amendments will become effective outside of the Coastal Zone.

The code amendments will not become effective within Carlsbad's Coastal Zone until the California Coastal Commission approves an amendment to the Local Coastal Program, the planning document for the Coastal Zone. Staff will submit an application to the Coastal Commission for a local coastal program amendment following the City Council's adoption of the ordinances.

City staff will work with Coastal Commission staff to resolve any areas of concern before the Local Coastal Program is presented to the Coastal Commission for its review at a public hearing. Any revisions to the city's Local Coastal Program that the Coastal Commission approves during its public hearing process will be brought back to the City Council as suggested modifications. The City Council will be able to approve or reject the suggested modifications; however, they would need to be

approved by the City Council in order for the Local Coastal Program to be certified by the Coastal Commission and effective for use in the city.

Once the application is deemed complete, the Coastal Commission has 90 days to act on the application. However, Coastal Commission staff can administratively extend that deadline by up to 12 months. Considering the size and complexities of the city's rezoning program, staff anticipate that an extension will be applied, and the Coastal Commission will not act on the proposed amendments until sometime in the fall or winter of 2025.

Environmental Evaluation

In accordance with the California Environmental Quality Act, the CEQA Guidelines, and the environmental protection procedures of the Carlsbad Municipal Code (Title 19), city staff have prepared a supplemental environmental impact report. This supplemental environmental impact report addresses the environmental impacts associated with the proposed project and analyzes impacts associated with the rezoning program (both Maps 1 and 2 as directed by the City Council).

The supplemental environmental impact report outlined five issue areas that are considered significant and unavoidable: air quality, cultural and tribal cultural resources, greenhouse gas emissions, noise, and transportation. As a "programmatic" document, it assessed the overall impacts of the land use changes, the overall program. Site-specific designs will be required before any of the potential projects can be built and will reduce the impacts for each individual project.

The purpose of a CEQA document is to complete analysis and inform decision makers and the public of environmental effects of a proposed project. The supplemental environmental impact report and supporting documentation was available for public review from July 14 through August 28, 2023. There were 39 comment letters received and a response to comments document was prepared. The document satisfies all legal requirements to approve the proposed project. Exhibit 1 includes the required findings to certify the supplemental environmental impact report, the mitigation and monitoring program, response to comments, findings of fact and statement of overriding considerations for the listed impacts.

Exhibits

1. City Council resolution - Environmental impact report
2. City Council resolution - Map 1
3. City Council resolution - Minimum affordability requirement
4. City Council ordinance - Map 1
5. City Council ordinance - Master and specific plans
6. City Council resolution - Map 2
7. City Council ordinance - Map 2
8. [City Council staff report dated Aug. 17, 2021](#) (on file in the Office of the City Clerk)
9. [City Council staff report dated Feb. 15, 2022](#) (on file in the Office of the City Clerk)
10. [Planning Commission Resolution No. 7497](#) (on file in the Office of the City Clerk)
11. [Planning Commission Resolution No. 7498](#) (on file in the Office of the City Clerk)
12. [Planning Commission Resolution No. 7499](#) (on file in the Office of the City Clerk)
13. [Housing Commission Resolution 2023-012](#) (on file in the Office of the City Clerk)
14. [Planning Commission staff report dated Oct. 18, 2023](#) (on file in the Office of the City Clerk)
15. Planning Commission minutes dated October 18, 2023 (on file in the Office of the City Clerk)
16. [Housing Commission staff report dated Dec. 14, 2023](#) (on file in the Office of the City Clerk)

17. Housing Commission minutes dated Dec. 14, 2023
18. State Board of Forestry finding regarding the draft Public Safety Element
19. Public comments received

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (EIR 2022-0007) AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR AMENDMENTS TO THE GENERAL PLAN LAND USE AND COMMUNITY DESIGN ELEMENT, LAND USE MAP, AND PUBLIC SAFETY ELEMENT, THE ZONING ORDINANCE AND ZONING MAP, THE LOCAL COASTAL PROGRAM, AND VARIOUS MASTER AND SPECIFIC PLANS

WHEREAS, the City Planner has filed a verified application with the City of Carlsbad regarding amendments to the General Plan Land Use and Community Design Element (including the Land Use Map), Public Safety Element, and associated amendments to the Zoning Ordinance, Zoning Map, Local Coastal Program, and various Master and Specific Plans (“project”), which affects properties citywide; and

WHEREAS, an Environmental Impact Report (“EIR”), State Clearinghouse No. 2011011004 (City Planning Case No. EIR 13-02), was prepared and the City Council certified it as complete by City Council Resolution 2015-242 on Sept. 22, 2015, for the General Plan Update; and

WHEREAS, the first addendum to the Final EIR 13-02 was prepared for the 2020 Climate Action Plan Update, and was adopted by City Council Resolution 2020-0146 on July 14, 2020; and

WHEREAS, the second addendum to the Final EIR 13-02 was prepared for the Housing Element Update 2021-2029, and was adopted by City Council Resolution 2021-073 on April 6, 2021; and

WHEREAS, the third addendum to the Final EIR 13-02 was prepared for the Jefferson Mixed Use: Townhome and Professional Office Project, and was adopted by City Council Resolution 2022-256 on Nov. 8, 2022; and

WHEREAS, pursuant to the California Environmental Quality Act, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the Lead Agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, City staff evaluated the environmental impact of the proposed modifications to

the project in light of the standards for subsequent environmental review outlined in Public Resources Code Section 21166 and CEQA Guidelines Section 15162. As a result of the proposed modifications to the project, and to document staff's evaluation of the environmental impact of said modifications, staff prepared a Supplemental EIR (EIR 2022-0007) to the Final EIR pursuant to CEQA Guidelines Section 15163. Planning Case No. EIR 2022-0007 (SCH #2022090339) supplements EIR 13-02 (SCH #2011011004), certified by the City Council on Sept. 22, 2015, for the General Plan Update (GPA 07-02 and other case files); and

WHEREAS, the primary purposes of the project analyzed by EIR 2022-0007 is to comply with state law by implementing Housing Element Program 1.1 (provide adequate sites to accommodate the RHNA) and update the Public Safety Element as necessary to comply with recent state legislation; and

WHEREAS, pursuant to Public Resources Code Section 21000, et seq. ("CEQA"), and its implementing regulations, California Code of Regulations Title 14 Section 15000, et seq. ("CEQA Guidelines"), the City of Carlsbad published and distributed a Notice of Preparation of EIR 2022-0007 for a 30-day agency and public review period starting on Sept. 14, 2022, and ending on Oct. 14, 2022. The city held two scoping meetings on Sept. 26, 2022 (in-person) and Sept. 28, 2022 (virtual). On Oct. 13, 2022, the city issued an amended Notice of Preparation extending the public comment period to Oct. 26, 2022, and adding a third scoping meeting on Oct. 19, 2022 (in-person). The scoping meetings were aimed at providing information about the proposed project to members of public agencies, interested stakeholders, residents, and community members; and

WHEREAS, the Notice of Preparation, amended Notice of Preparation and comments received during the extended review period are included as Appendix A of the Draft EIR and summarized in Section 1.6 of the Draft EIR 2022-0007; and

WHEREAS, also pursuant to CEQA and the CEQA Guidelines, the City of Carlsbad prepared Draft EIR 2022-0007 and made it available for public review and comment as required by law beginning on July 14, 2023, and ending on Aug. 28, 2023; and

WHEREAS, the first two Notice of Preparation scoping meetings and public review, and the public review period for Draft EIR 2022-0007, were provided via mailers to all property owners and residents within a 600-foot radius of each housing site. The Notice of Preparation was also filed with the County Clerk, published in the *San Diego Union-Tribune*, and posted on the city's website. A project-specific page on the city's website, fliers, and social media also aided in general project

awareness; and

WHEREAS, the City of Carlsbad received comments concerning the Draft EIR 2022-0007 from public agencies, organizations, businesses and individuals, and pursuant to CEQA Guidelines Section 15088, the City of Carlsbad prepared responses to all written comments received on the Draft EIR 2022-0007 that raised environmental issues; and

WHEREAS, the City of Carlsbad has determined that the comments received on the Draft EIR 2022-0007, as well as minor revisions made to the project since the release of the Draft EIR for public review, do not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and, therefore, recirculation of Draft EIR 2022-0007 is not required; and

WHEREAS, the City of Carlsbad has prepared a Final EIR 2022-0007, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR 2022-0007 and the revisions thereto, the technical appendices and referenced documents, and the public comments and the city's responses thereto, and which has been filed with the Clerk of the City of Carlsbad; and

WHEREAS, pursuant to CEQA Guidelines Sections 15091, 15093 and 15097, the City of Carlsbad has prepared Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, which have been filed with the Clerk of the City of Carlsbad; and

WHEREAS, all materials with regard to the project were made available to the Planning Commission of the City of Carlsbad ("Planning Commission") for its review, consideration and its recommendation to the City Council of the project including, but not limited to: the Final EIR 2022-0007, Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; all reports, applications, memoranda, maps, letters and other planning documents prepared by the environmental consultants and the City of Carlsbad that are before the city decision makers; all documents submitted by members of the public and public agencies in connection with Final EIR 2022-0007; and matters of common knowledge to the City of Carlsbad which they may consider, including but not limited to, the Carlsbad General Plan, Carlsbad Zoning Ordinance, Carlsbad Local Coastal Program, and various master and specific plans; and

WHEREAS, the city duly noticed a public hearing of the Planning Commission on October 18, 2023, to consider the project and adopted Planning Commission Resolution No. 7497 recommending certification of Final EIR 2022-0007 and adoption of CEQA Findings of Fact, a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; and

WHEREAS, pursuant to the provisions of the Carlsbad Municipal Code, the City Council did, on January 30, 2024, hold a duly noticed public hearing as prescribed by law to consider the Planning Commission recommendation to certify Final EIR 2022-0007 and adopt CEQA Findings of Fact, a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; and

WHEREAS, at said public hearing, the City Council heard and considered all testimony and arguments, of all persons desiring to be heard, and examined the Final EIR 2022-0007, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, analyzed the information submitted by staff and considered any written and oral comments received; and

WHEREAS, the Record of Proceedings upon which the City Council bases its decision includes, but is not limited to: (1) the Final EIR 2022-0007 and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; (2) the staff reports, city files and records and other documents, prepared for and/or submitted to the city relating to the Final EIR 2022-0007, Findings of Fact and Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and the project itself; (3) the evidence, facts, findings and other determinations set forth in herein; (4) the General Plan and the Carlsbad Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the city in connection with the Final EIR 2022-0007, Findings of Fact and Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and the project itself; (6) all documentary and oral evidence received at public workshops, meetings, or hearings or submitted to the city during the comment period relating to the Final EIR 2022-0007, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, and/or elsewhere during the course of the review of the project itself; (7) all other matters of common knowledge to the to the city, including, but not limited to, city, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the city and its surrounding areas.

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

1. That the above recitations are true and correct and material to this resolution; and are incorporated herein by reference.
2. That the City Council has considered the full record before it, which includes the Record of Proceedings.
3. Final EIR 2022-0007 (Attachment A) consists of the Draft SEIR and technical appendices (Attachment B), written comments and responses to comments, revisions to the Draft EIR and a description of revisions to the project, including but not limited to Land Use and Community Design Element and Zoning Ordinance changes and minor revisions to site descriptions, and is hereby found to be in good faith and reason by incorporating a copy of the minutes of the Planning Commission and City Council public hearings into the Final EIR 2022-0007 (Attachment A), on file with the City Clerk and incorporated by this reference.
4. That in determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City Council has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b). Mitigation measures were developed in order to reduce potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring and Reporting Program (Appendix A to Attachment A), on file with the City Clerk and incorporated by this reference.
5. That Final EIR 2022-0007 is adequate and provides good-faith disclosure of available information on the project and all reasonable and feasible alternatives thereto. Final EIR 2022-0007 has determined that any remaining significant effects on the environment found to be unavoidable under CEQA Guidelines Section 15091 are acceptable due to overriding concerns as described in CEQA Guidelines Section 15093.
6. The findings of the Planning Commission contained in Planning Commission Resolution No. 7497, on file with the City Clerk and incorporated herein by reference, are the findings of the City Council.
7. Final EIR 2022-0007 (Attachment A), on file with the City Clerk and incorporated by this reference, evaluated as stated above, is certified.

8. The Findings of Fact and Statement of Overriding Considerations (Attachment C), and the Mitigation Monitoring and Reporting Program (Appendix A of Attachment A), on file with the City Clerk and incorporated by this reference, are adopted.
9. This action is final on the date this resolution is adopted by the City Council. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply:

"NOTICE"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA, 92008.

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

Attachment A

Housing Element Implementation and Public Safety
Element Update - Final EIR 2022-0007
(on file in the Office of the City Clerk)

Attachment B

Housing Element Implementation and Public
Safety Element Update - Draft EIR
(on file in the Office of the City Clerk)

Finding of Fact and Statement of Overriding
Considerations
(on file in the Office of the City Clerk)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO THE GENERAL PLAN LAND USE AND COMMUNITY DESIGN ELEMENT, LAND USE MAP (MAP 1), PUBLIC SAFETY ELEMENT, AND THE LOCAL COASTAL PROGRAM TO IMPLEMENT OBJECTIVES B, C, AND D OF HOUSING ELEMENT PROGRAM 1.1 (PROVIDE ADEQUATE SITES TO ACCOMMODATE THE RHNA), AND OBJECTIVE B OF HOUSING ELEMENT PROGRAM 1.3 (ALTERNATIVE HOUSING)

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

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

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

WHEREAS, to implement objectives b, c and d of Housing Element Program 1.1 (Provide Adequate Sites to Accommodate the RHNA), implement objective b of Housing Element Program 1.3 (Alternative Housing), and comply with state law, the City Planner has prepared amendments to the General Plan Land Use and Community Design Element, Land Use Map and Public Safety Element (GPA 2022-0001), and to the Local Coastal Program Land Use Plan and Land Use Map (LCPA 2022-0015), pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, to meet said Housing Element objectives, the city evaluated 18 sites, including for rezoning, to accommodate residential or increased residential units/density; and

WHEREAS, on February 15, 2022, staff presented the results of a community engagement effort to the City Council, and the City Council selected two rezone map options (Map 1 and Map 2) and directed staff to proceed with a complete environmental review of rezoning of the sites; and

WHEREAS, amendments to the Land Use and Community Design Element (GPA 2022-0001) are shown on Attachment A attached hereto; amendments to the General Plan Land Use Map and Local Coastal Program Land Use Map (GPA 2022-0001/LCPA 2022-0015) are shown on Attachment B attached hereto; and amendments to the Public Safety Element (GPA 2022-0001) are shown on

Attachment C attached hereto; and amendments to the Local Coastal Program Land Use Plan are shown on Attachment D attached hereto; and

WHEREAS, on October 18, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider GPA 2022-0001 and LCPA 2022-0015; and

WHEREAS the Planning Commission adopted Planning Commission Resolutions No. 7498 and 7499 recommending that the City Council approve GPA 2022-0001 and LCPA 2022-0015; and

WHEREAS, as required by state law, the state Board of Forestry and Fire Protection on December 13, 2023, found the draft Public Safety Element contained the information required to meet the fire safety planning requirements outlined in Government Code Section 65302; and

WHEREAS, as required by state law, a six-week notice of availability was issued for LCPA 2022-0015 from October 13, 2023, to November 24, 2023, and no comments were received; and

WHEREAS, on December 7, 2023, the Airport Land Use Commission reviewed and found that the proposed amendments are conditionally consistent with the adopted McClellan-Palomar Airport Land Use Compatibility Plan; and

WHEREAS, on January 30, 2024, the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider GPA 2022-0001 and LCPA 2022-0015; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to GPA 2022-0001 and LCPA 2022-0015.

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

1. That the above recitations are true and correct.
2. The findings of the Planning Commission contained in Planning Commission Resolutions No. 7498 and 7499, on file with the City Clerk and incorporated herein by reference, are the findings of the City Council.
3. The Map 1 option is the preferred option to meet the objectives of the Housing Element.
4. The amendments to the General Plan Land Use and Community Design Element (Attachment A, attached hereto), General Plan Land Use Map and Local Coastal Program Land Use Map for Map 1 (Attachment B, attached hereto), General Plan Public Safety

Element (Attachment C, attached hereto), and Local Coastal Program Land Use Plan (Attachment D, attached hereto), are approved.

5. Staff is authorized to submit the following to the California Coastal Commission for certification: the Local Coastal Program Land Use Plan and Land Use Map amendments approved by this resolution.
6. The approved Local Coastal Program Land Use Plan and Land Use Map shall not become effective until approved and certified by the California Coastal Commission.
7. This action is final on the date this resolution is adopted by the City Council. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply:

"NOTICE"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA, 92008.

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

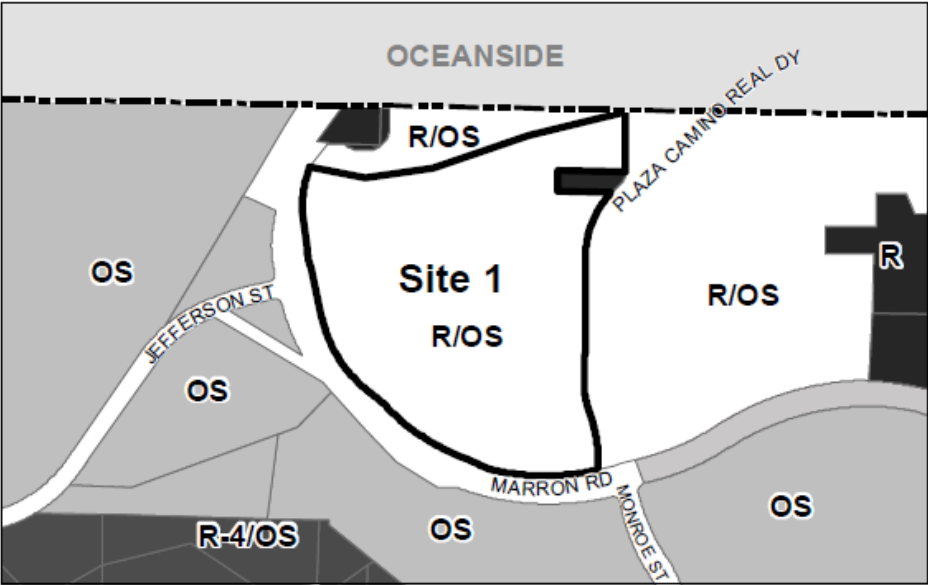
Attachment A

Land Use and Community Design Element (on file in the Office of the City Clerk)

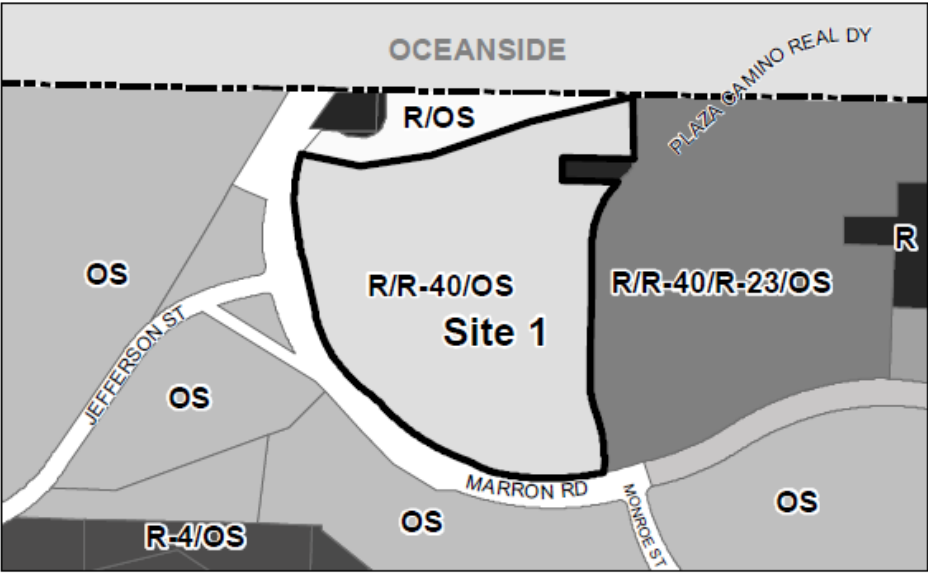
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 1 – NORTH COUNTY PLAZA



EXISTING



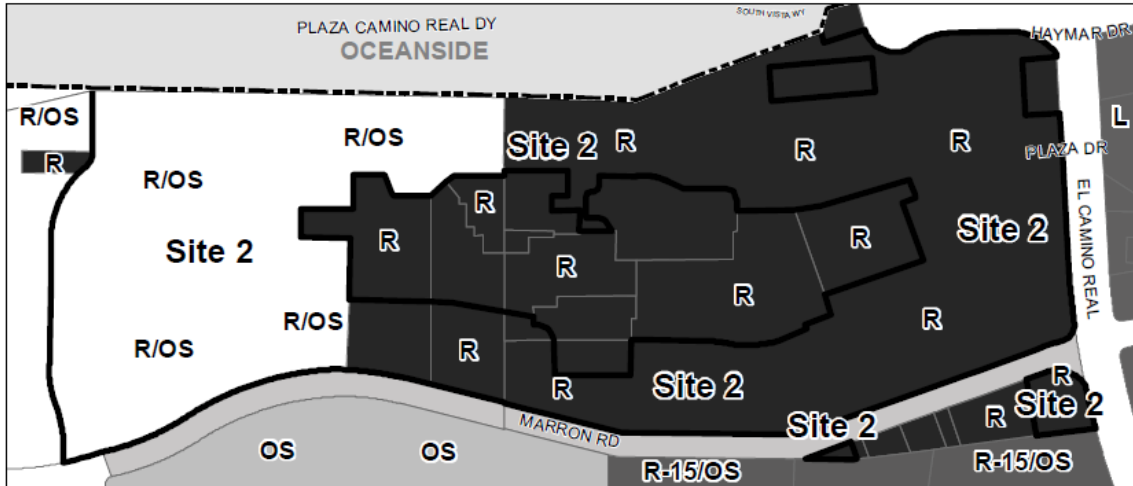
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 156-301-16-00	R/OS	R/R-40/OS

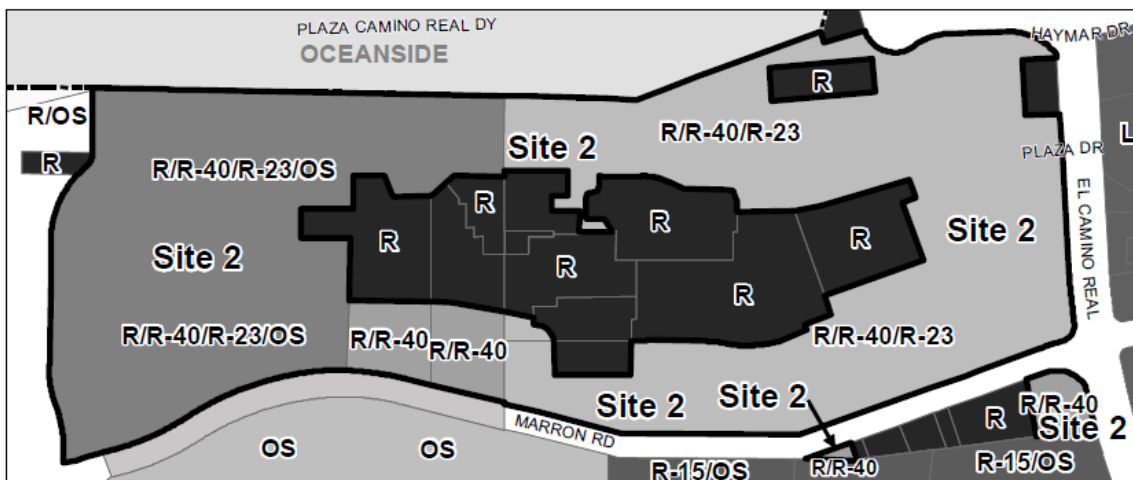
Exhibit “GPA 2022-0001”

October 18, 2023

Site 2 – THE SHOPPES AT CARLSBAD PARKING LOT



EXISTING



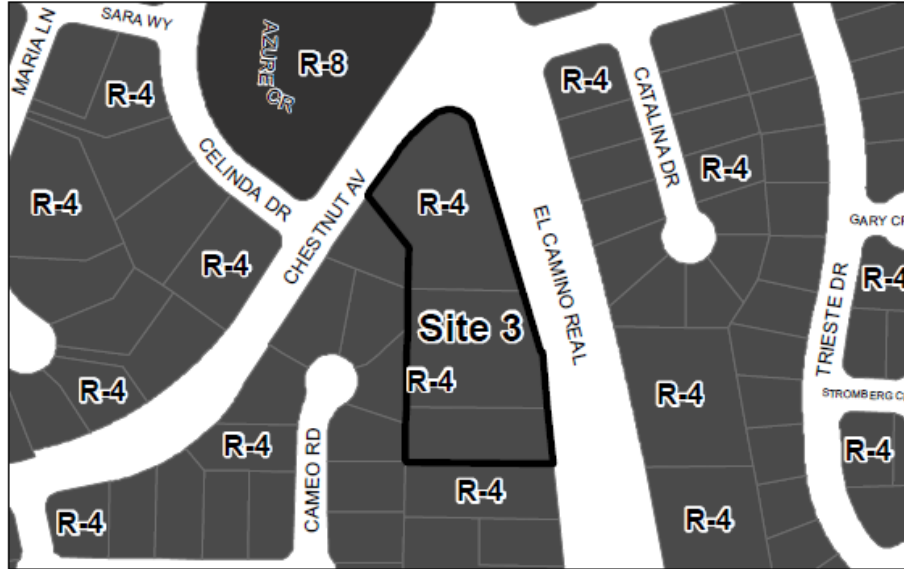
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 156-301-11-00	R/OS	R/R-40/R-23/OS
B. 156-302-14-00	R	R/R-40/R-23
C. 156-302-35-00	R	R/R-40/R-23
D. 156-301-06-00	R	R/R-40
E. 156-301-01-00	R	R/R-40
F. 156-302-23-00	R	R/R-40
G. 156-302-17-00	R	R/R-40

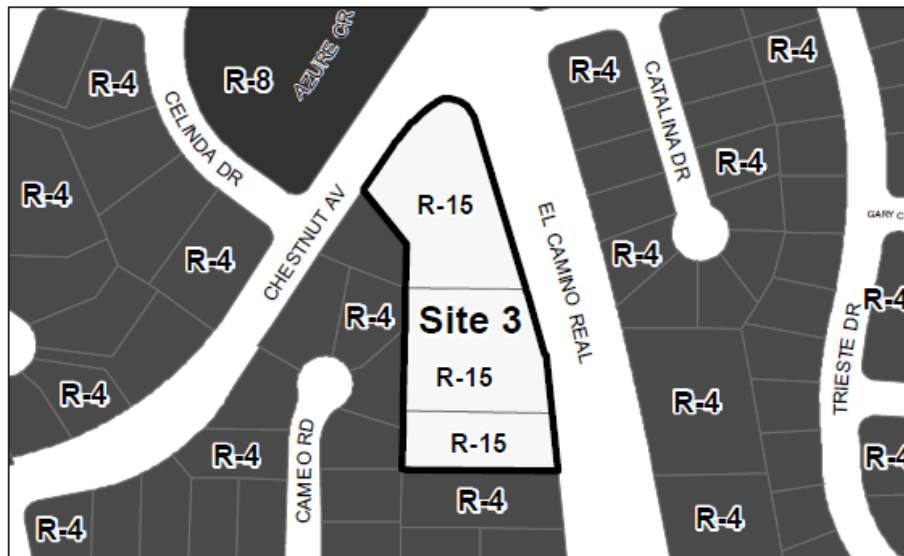
Exhibit “GPA 2022-0001”

October 18, 2023

Site 3 – CHESTNUT AT EL CAMINO REAL PARCEL



EXISTING



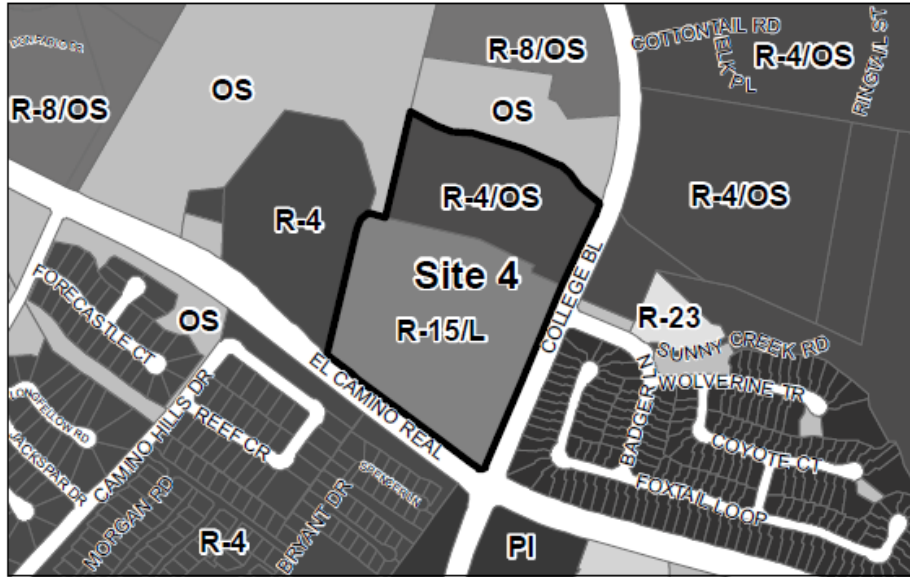
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 167-080-34-00	R-4	R-15
B. 167-080-49-00	R-4	R-15
C. 167-080-50-00	R-4	R-15

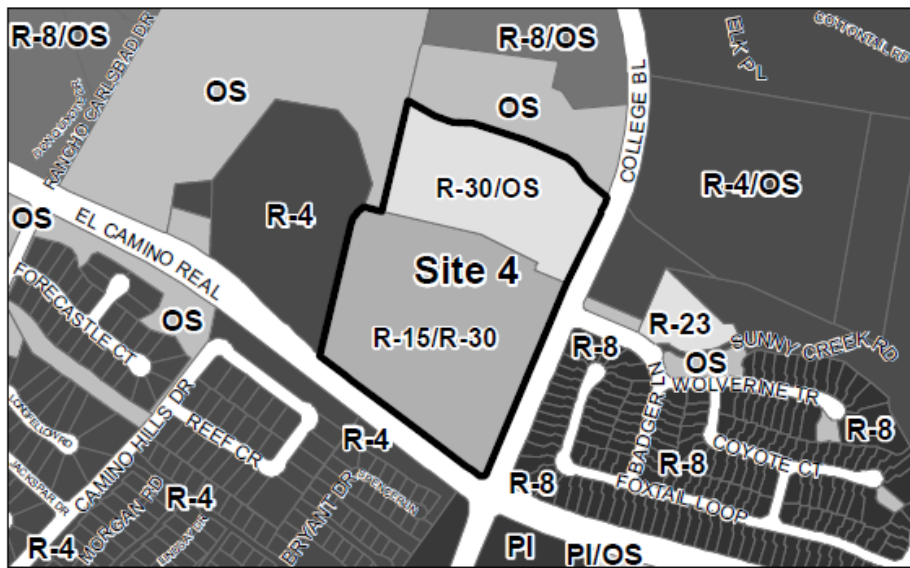
Exhibit “GPA 2022-0001”

October 18, 2023

Site 4 – ZONE 15 CLUSTER



EXISTING



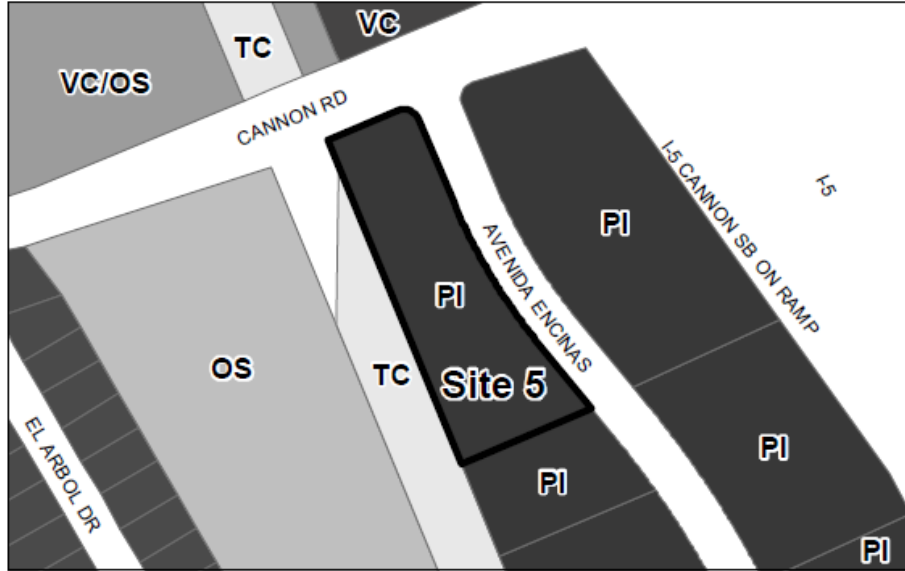
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 209-060-72-00	R-4/OS	R-30/OS
B. 209-090-11-00	R-15/L	R-15/R-30

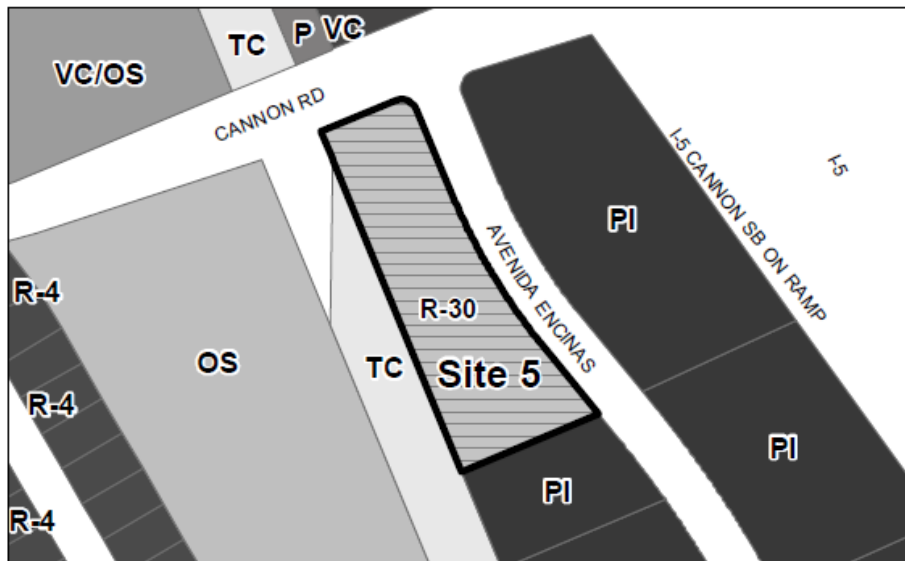
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 5 – AVENIDA ENCINAS CAR STORAGE LOT



EXISTING



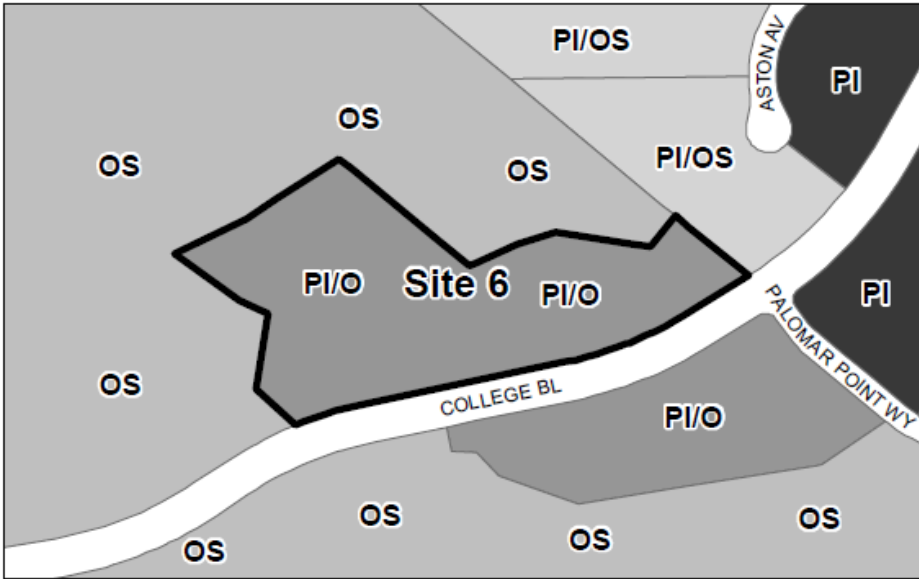
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 210-090-24-00	PI	R-30

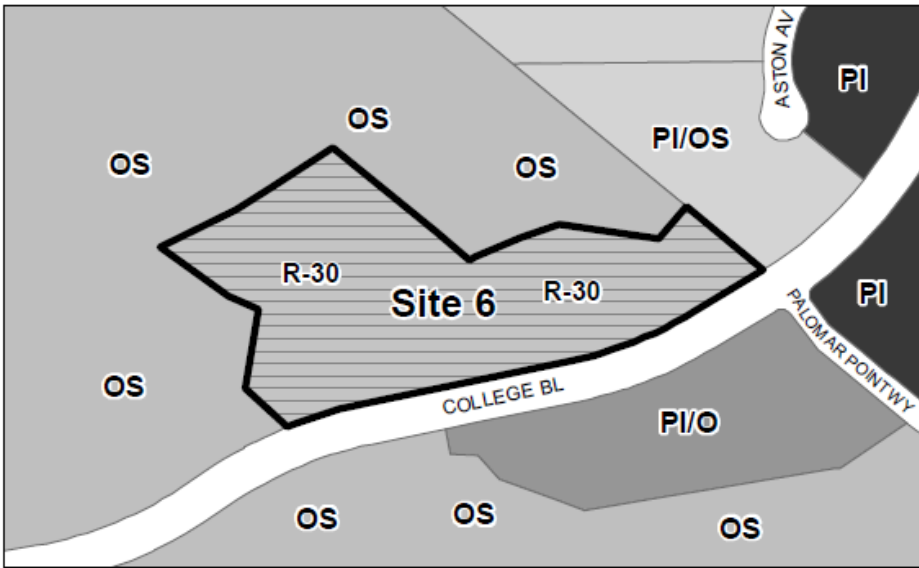
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 6 – CROSSINGS GOLF COURSE LOT 5



EXISTING



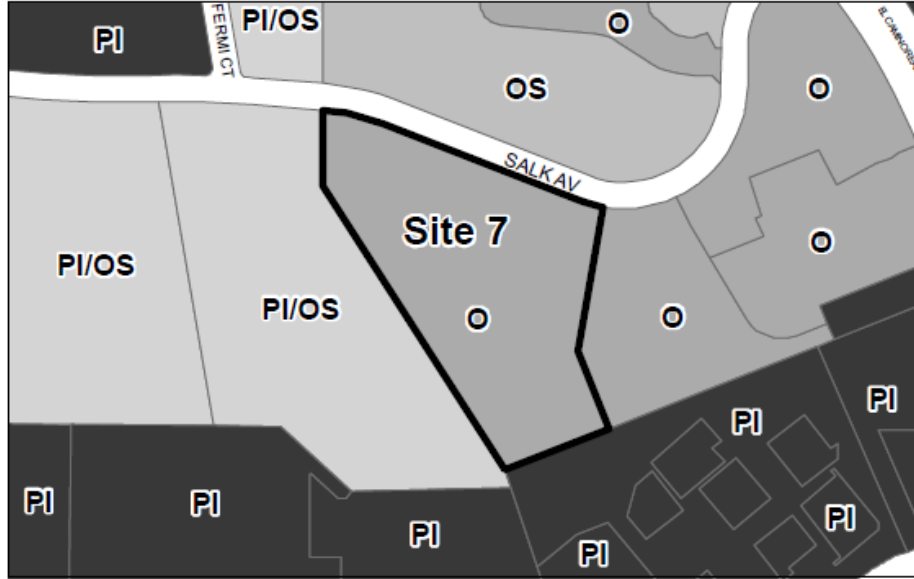
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 212-270-05-00	PI/O	R-30

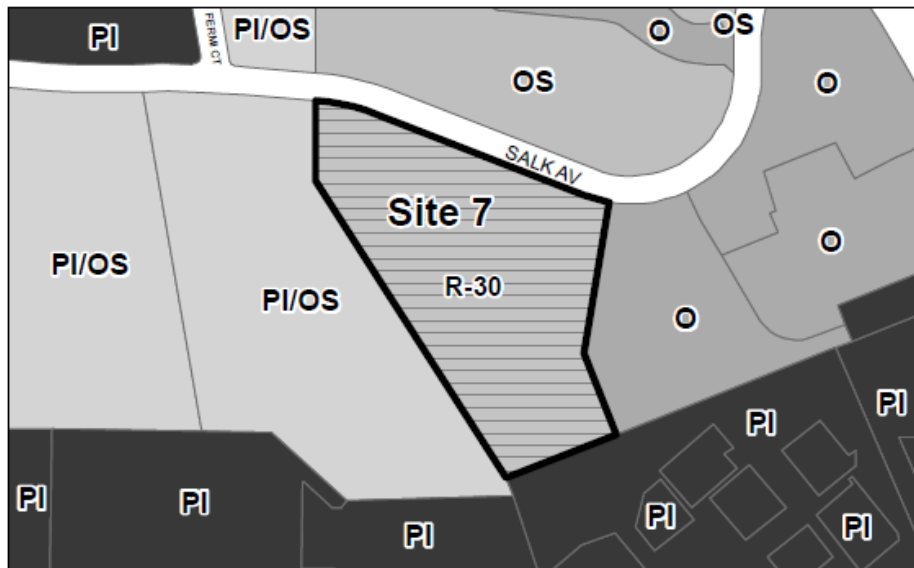
Exhibit “GPA 2022-0001”

October 18, 2023

Site 7 – SALK AVENUE PARCEL



EXISTING



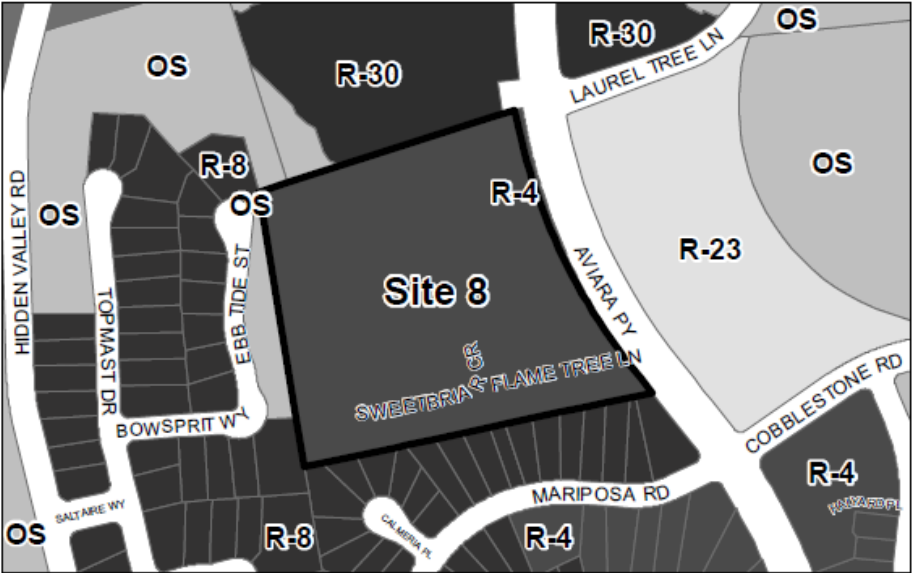
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 212-021-04-00	O	R-30

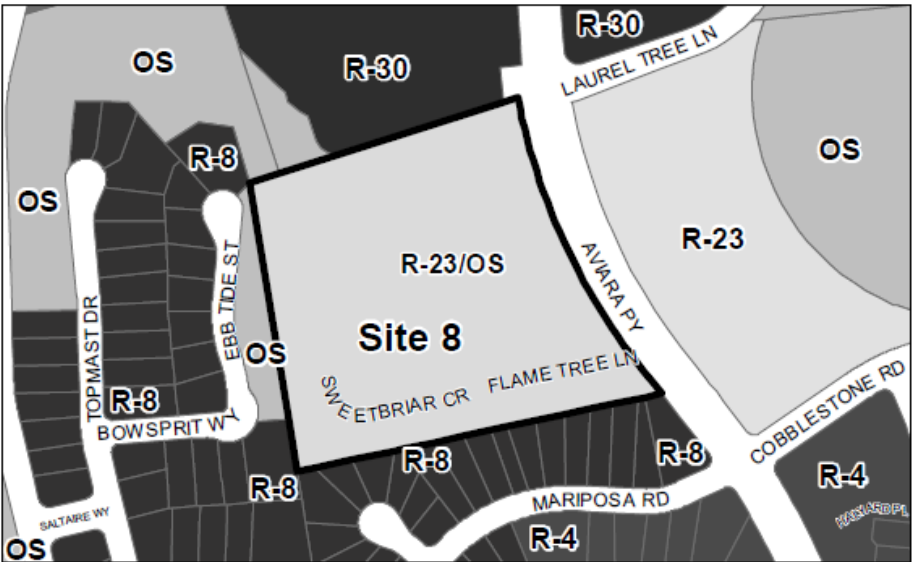
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 8 – COTTAGE ROW APARTMENTS



EXISTING



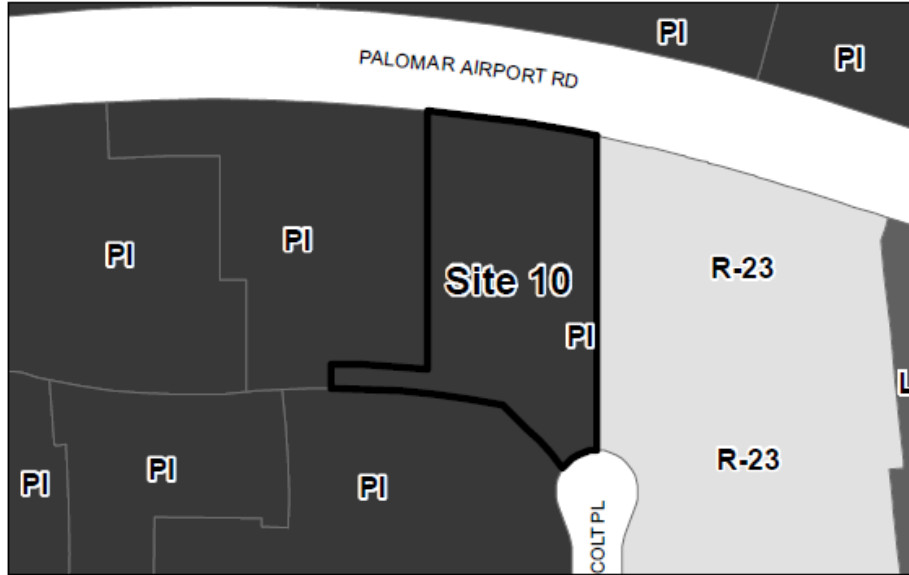
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 212-040-47-00	R-4	R-23/OS

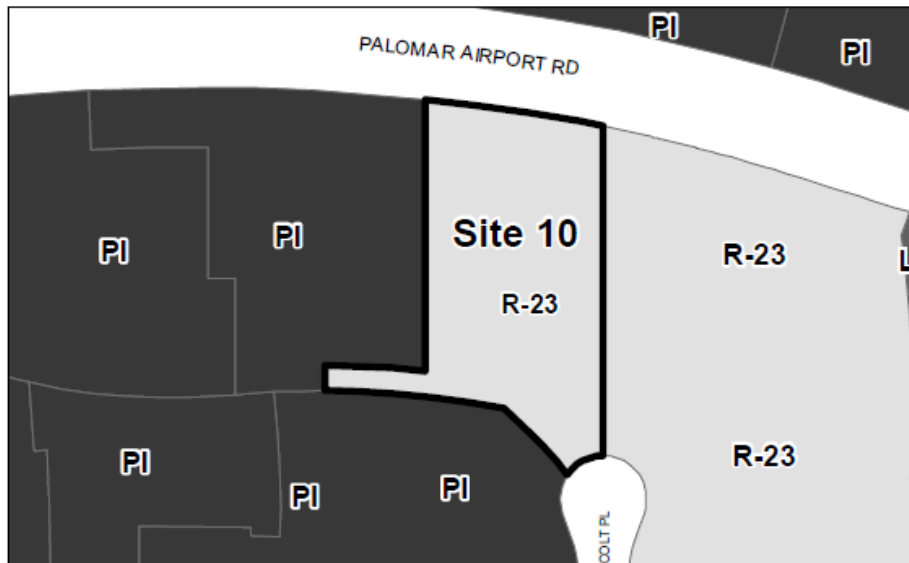
Exhibit “GPA 2022-0001”

October 18, 2023

Site 10 – BRESSI RANCH COLT PLACE INDUSTRIAL PARCEL



EXISTING



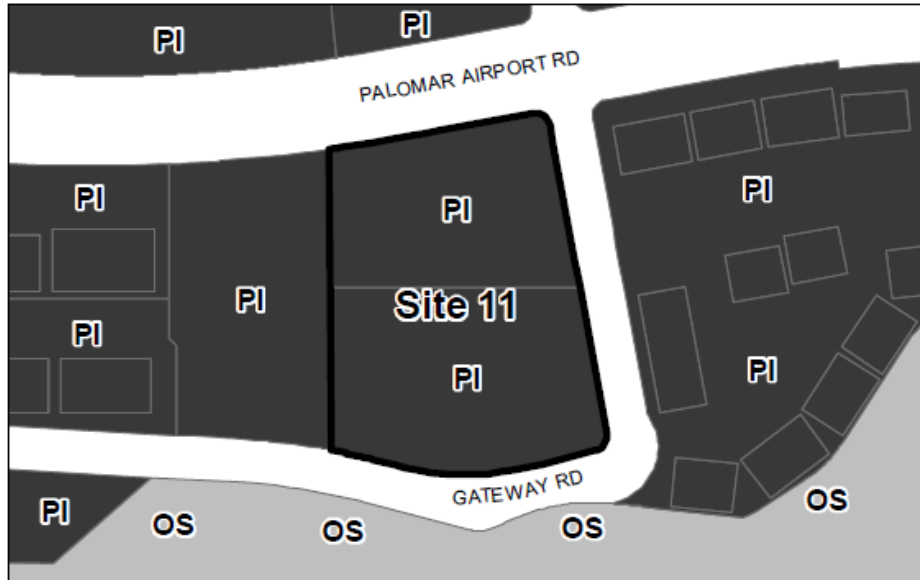
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 213-262-17-00	PI	R-23

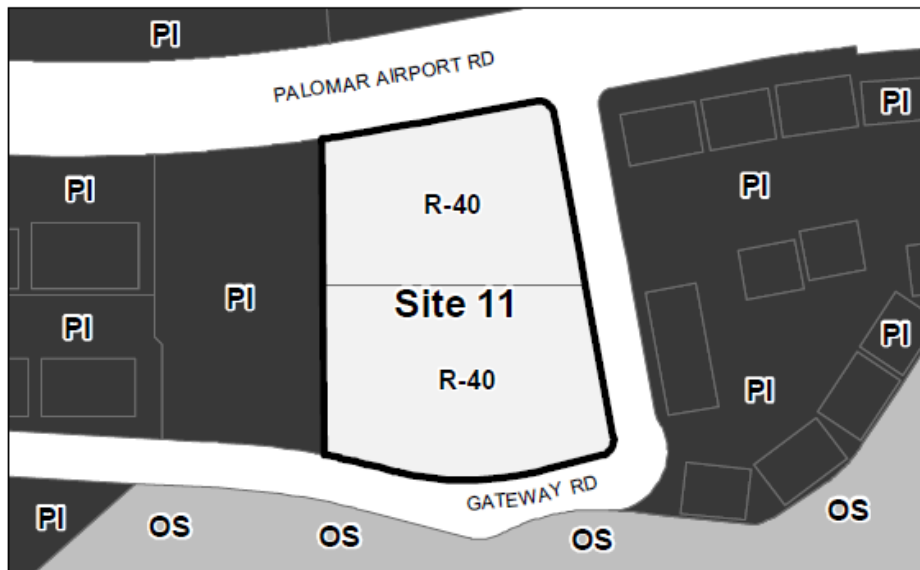
Exhibit “GPA 2022-0001”

October 18, 2023

Site 11 – BRESSI RANCH GATEWAY ROAD INDUSTRIAL PARCELS



EXISTING



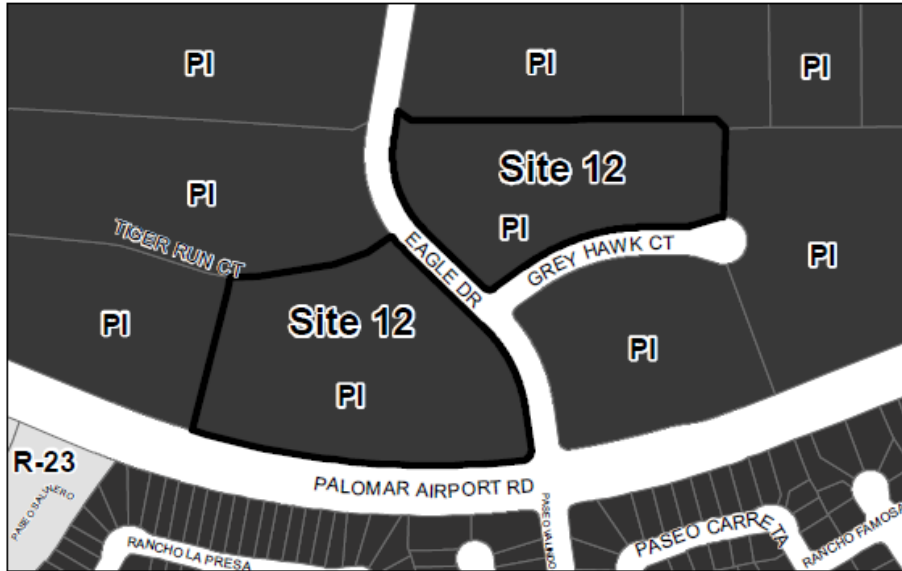
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 213-263-19-00	PI	R-40
B. 213-263-20-00	PI	R-40

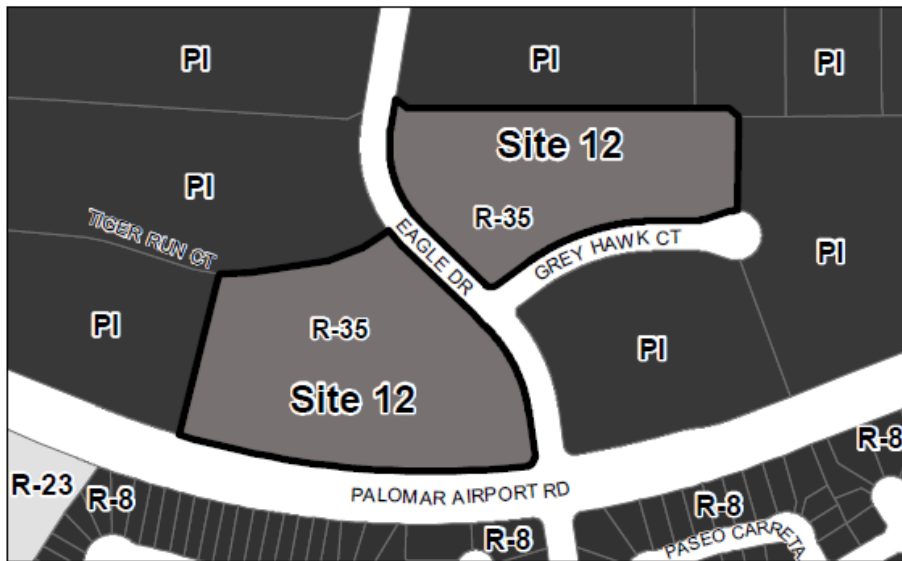
Exhibit “GPA 2022-0001”

October 18, 2023

Site 12 – INDUSTRIAL SITES EAST OF MELROSE DRIVE



EXISTING



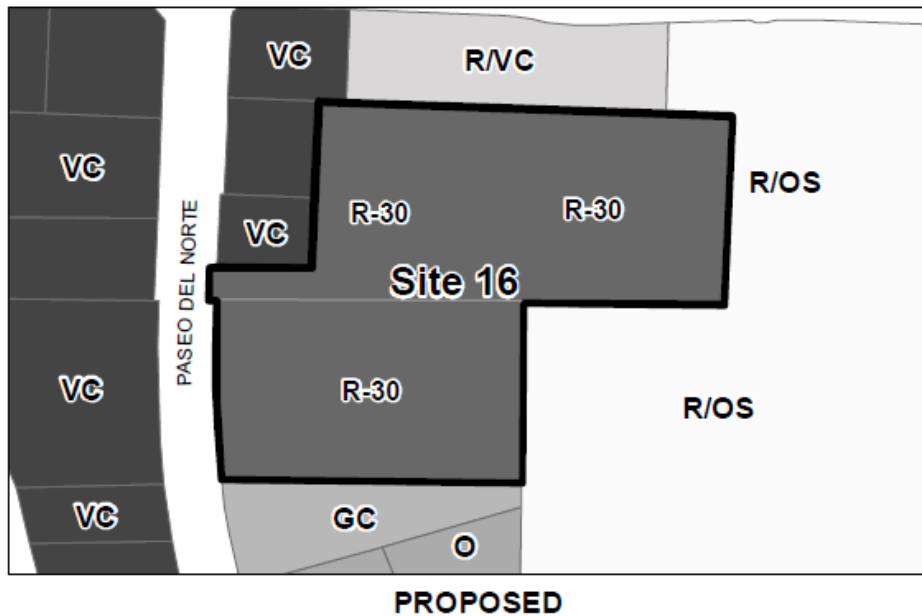
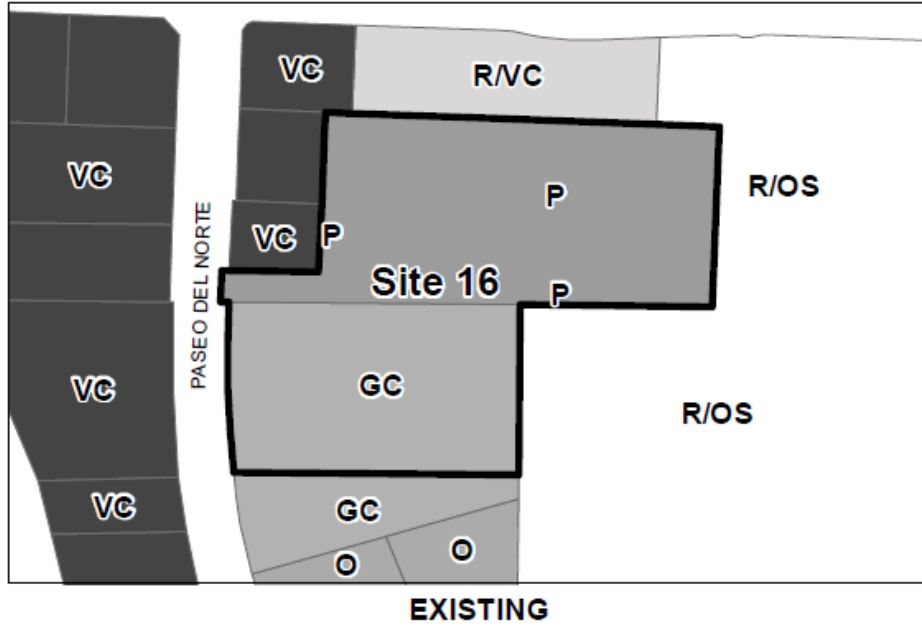
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 221-015-08-00	PI	R-35
B. 221-014-03-00	PI	R-35

Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 16 – CALTRANS MAINTENANCE STATION AND PACIFIC SALES

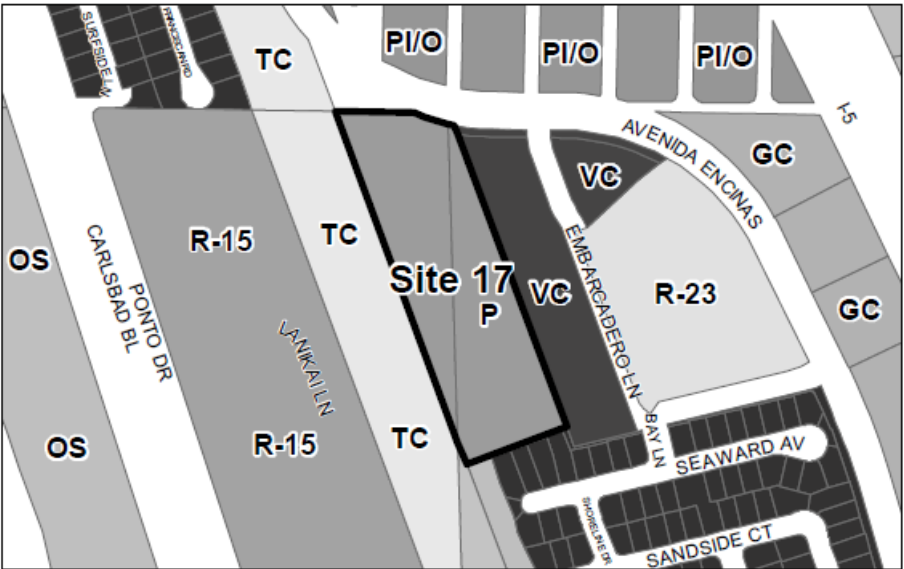


General Plan Map Designation Change		
Property APN	From:	To:
A. 211-050-08-00	P	R-30
B. 221-050-09-00	GC	R-30

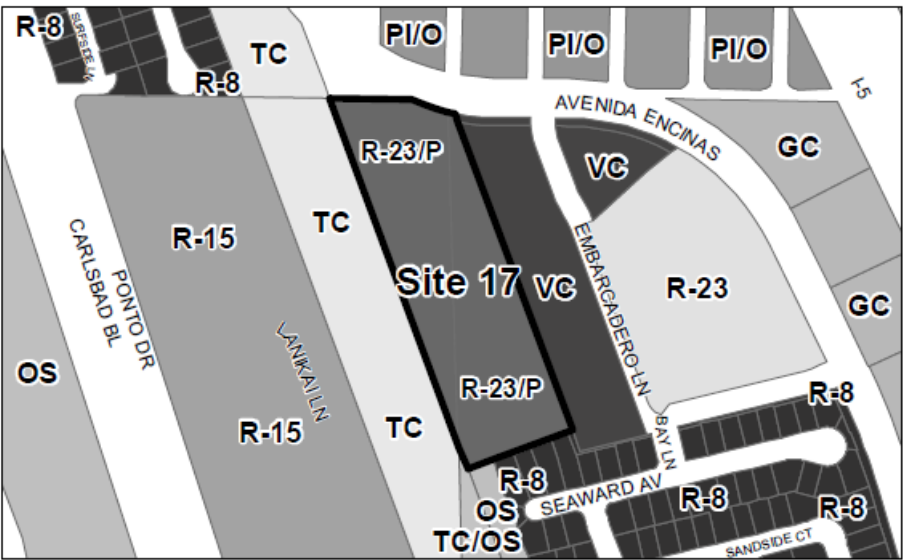
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 17 – NCTD POINTSETTIA COASTER STATION



EXISTING



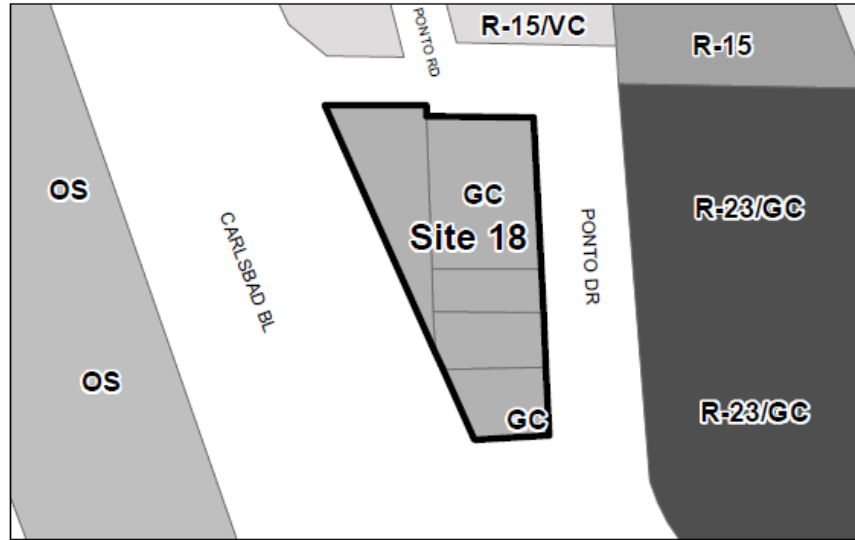
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 214-150-08-00	P	R-23/P
B. 214-150-20-00	P	R-23/P

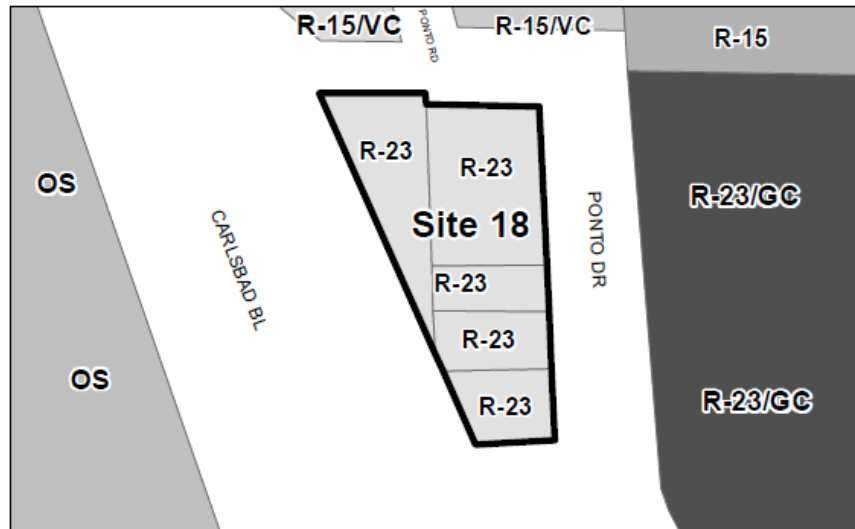
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 18 – NORTH PONTO PARCELS



EXISTING



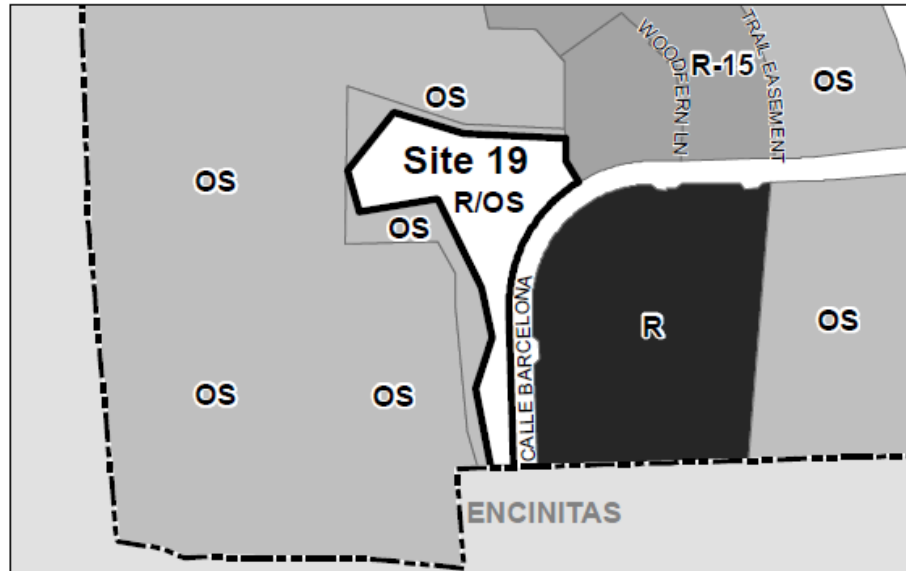
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 216-010-01-00	GC	R-23
B. 216-010-02-00	GC	R-23
C. 216-010-03-00	GC	R-23
D. 216-010-04-00	GC	R-23
E. 216-010-05-00	GC	R-23

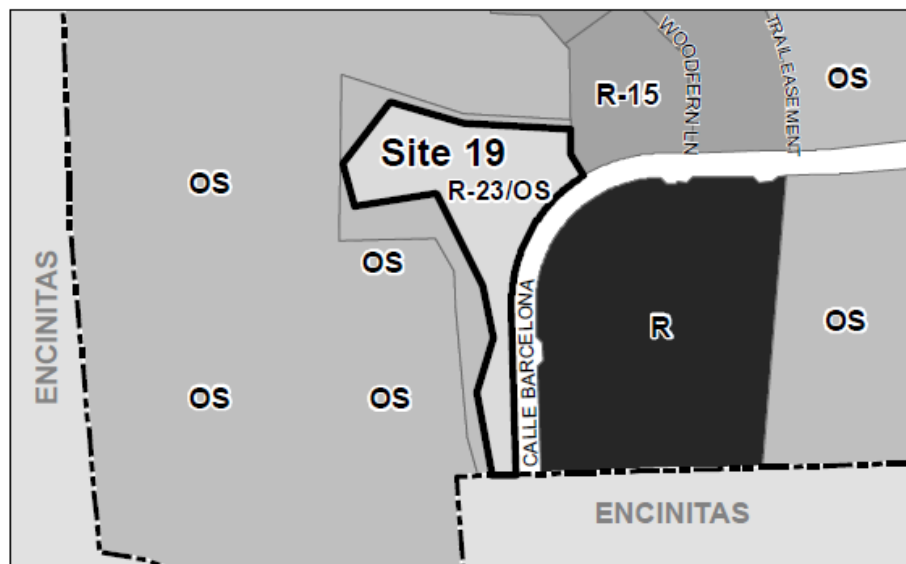
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 19 – LA COSTA GLEN/FORUM



EXISTING



PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 255-012-05-00	R/OS	R-23/OS

Attachment C

Public Safety Element

(on file in the Office of the City Clerk)

LCPA 2022-0015
HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE
LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT

Section B. 1. (3) (b) of the East Batiquitos Lagoon/Hunt Properties Segment of the Local Coastal Program land use plan is amended to read as follows:

- (b) Upland (approximately 240 acres) is designated for a combination of Residential (R-15 – 11.5-15 du/ac and R-23 – 19-23 du/ac), Regional Commercial (R), and Open Space uses. The maximum height of new development shall be limited to 35 feet consistent with the Carlsbad Municipal Code. Additionally, the intensity of development shall be compatible with the currently planned road capacities of La Costa Avenue and El Camino Real. Approval of these land uses shall not be considered precedent for increasing the road capacity of these two corridors. Development of the entire 280 acres of Green Valley shall be pursuant to a Master Plan which is consistent with the uses allowed by the Carlsbad General Plan.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A GREATER MINIMUM AFFORDABILITY REQUIREMENT TO APPLY TO DEVELOPMENT OF RESIDENTIAL UNITS ON CITY-OWNED SITES AND ALL OTHER SITES THAT RECEIVE A RESIDENTIAL LAND USE CHANGE, AN INCREASE IN RESIDENTIAL DENSITY, OR THAT ARE OTHERWISE IDENTIFIED AS A HOUSING SITE, ALL AS THOSE SITES ARE IDENTIFIED IN PLANNING COMMISSION RESOLUTIONS 7498 AND 7499

CASE NAME: HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE

CASE NO.: GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA
2022-0015/AMEND 2023-0008/AMEND 2023-
0009/AMEND 2023-0010/AMEND 2023-0011/AMEND
2023-0012 (PUB 2022-0010)

WHEREAS, the City Council of the City of Carlsbad, California has determined that the Planning Commission did, on October 18, 2023, hold a duly noticed public meeting as prescribed by law to consider Planning Commission Resolutions 7498 and 7499, recommending the City Council approve, among other things, a minimum affordability requirement on non-city-owned sites that have received residential designations or density increases as part of GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND_2023-0012; and

WHEREAS, the City Council also has determined that pursuant to the Municipal Code the Housing Commission did, on December 14, 2023, hold a duly noticed public meeting as prescribed by law to consider Housing Commission Resolution 2023-012, recommending the City Council approve a greater minimum affordability requirement to apply to development of residential units on city-owned parcels and all other parcels that receive a residential land use change or an increase in residential density or that are identified as a housing site but that do not require a land use change or density increase, all as identified to implement the programs of the Housing Element and assist the city in meeting its RHNA; and

WHEREAS, the Housing Commission, in developing its recommendation, considered only those sites and parcels identified as part GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND_2023-0012 – HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE; and

WHEREAS, the City Council, on January 30, 2024, held a duly noticed public hearing to consider GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012 – HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE; and

WHEREAS, the City Council has reviewed and considered the Planning Commission's and the Housing Commission's recommendations.

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

1. That the above recitations are true and correct.
2. For city owned sites, any residential development (rental or for-sale) on the properties that have received residential designations or have been identified as a housing site pursuant to the approval of GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012 – HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE shall be consistent with the requirements of California Gov. Code § 37364, as provided below:
 - a. Not less than 80 percent of the area of any parcel of property shall be used for development of housing.
 - b. Not less than 40 percent of the total number of those housing units developed on any parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low income households.
 - c. Dwelling units produced for persons and families of low income under this section shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years. The regulatory agreement shall contain a provision making the covenants and conditions of the agreement binding upon successors in interest of the housing sponsor. The regulatory agreement shall be recorded in the office of the county recorder of the county in which the housing development is located. The

regulatory agreement shall be recorded in the grantor-grantee index to the name of the property owner as grantor and to the name of the city as grantee.

- d. The definitions of “persons and families of low and moderate income,” “lower income households,” and “very low income households” set forth in Sections 50079, 50093, and 50105 of the Health and Safety Code shall apply.

- 3. For non-city owned sites, the designation of residential land uses, increases in residential density, or identification of sites for housing pursuant to the approval of GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012 – HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE, are substantial and constitute an “offset” as defined by Carlsbad Municipal Code Section 21.85.020. In exchange for making such offset available, it is appropriate to require, in accordance with Carlsbad Municipal Code Section 21.85.100, any residential development (rental or for-sale) on the properties that have received residential designations and density increases or have been identified as a housing site, pursuant to this project, to enter into an affordable housing agreement with the City of Carlsbad to provide a minimum of 20% of the total housing units on the site of the residential development as affordable to lower income households at 80% or below the San Diego County Area Median Income. On non-city owned properties that have received residential designations or density increases, this affordable housing requirement may also be satisfied by the following alternatives (at the sole discretion of the City of Carlsbad and following completion of an alternate public benefit analysis):

- a. A minimum of 15% of the total projects housing units shall be affordable to lower income households at 80% or below the San Diego County Area Median Income and an additional 10% shall be affordable to moderate income households at 100% or below of the San Diego County Area Median Income; or

- b. A minimum of 15% of the total project housing units shall be affordable to very low-income households at 50% or below the San Diego County Area Median Income.
- 4. If any section, subsection, sentence, clause, or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.
- 5. This action is final the date this resolution is adopted by the City Council. The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review," shall apply:

"NOTICE"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost of preparation of such record, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the party, or the party's attorney of record, if the party has one. A written request for the preparation of the record of proceedings shall be filed with the Office of the City Clerk, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING THE ZONING ORDINANCE AND ZONING MAP, TITLE 21 OF THE CARLSBAD MUNICIPAL CODE, TO IMPLEMENT PORTIONS OF OBJECTIVES B, C, AND D OF HOUSING ELEMENT PROGRAM 1.1 (PROVIDE ADEQUATE SITES TO ACCOMMODATE THE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)), AND OBJECTIVE B OF HOUSING ELEMENT PROGRAM 1.3 (ALTERNATIVE HOUSING) FOR MAP 1 (ALL SITES)

CASE NAME: HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE

CASE NO: ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 (PUB 2022-0010)

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

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

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

WHEREAS, to implement Housing Element Program 1.1 (Provide Adequate Sites to Accommodate RHNA), and specifically objectives 1.1 b., 1.1 c. and 1.1 d.; and to implement Housing Element Program 1.3 (Alternative Housing), and specifically objective 1.3 b., the City Planner has prepared amendments to the Zoning Ordinance and Zoning Map (Title 21 of the Carlsbad Municipal Code) and to the Local Coastal Program (ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015) pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, on October 18, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015; and

WHEREAS the Planning Commission adopted Planning Commission Resolutions 7498 and 7499 recommending to the City Council that ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 be approved; and

WHEREAS, on December 7, 2023, the Airport Land Use Commission reviewed and found that the proposed Zone Code Amendment is conditionally consistent with the adopted McClellan-Palomar Airport Land Use Compatibility Plan; and

WHEREAS the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015.

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

1. The above recitations are true and correct.
2. That the findings of the Planning Commission in Planning Commission Resolution No. 7498 and No. 7499 shall also constitute the findings of the City Council.
3. That Section 21.05.030 of the Carlsbad Municipal Code, being the Zoning Map, and the Local Coastal Program Zoning Map are amended as shown on the maps marked "Exhibit ZC 2022-0001/LCPA 2022-0015" dated October 18, 2023, attached hereto as Attachment A and made a part hereof.
4. That Ordinance CS-432 as adopted by the City Council on September 27, 2022, is pending Coastal Commission review and is incorporated into this ordinance.
5. That Section 21.16.010 A.1. of the Carlsbad Municipal Code is amended to read 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 R-15 (Residential 11.5-15 du/ac) and R-23 (Residential 19-23 du/ac) land use designations of the Carlsbad general plan; and
 6. That Section 21.18.010 A.1. of the Carlsbad Municipal Code is amended to read 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), R-15 (Residential 11.5-15 du/ac) and R-23 (Residential 19-23 du/ac) land use designations of the Carlsbad general plan;
 7. That Section 21.22.010 A. 1. of the Carlsbad Municipal Code is amended to read 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 R-23 (Residential 19-23 du/ac) land use designation of the Carlsbad general plan;
8. That Section 21.24.010 A.1 of the Carlsbad Municipal Code is amended to read 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 R-8 (Residential 4-8 du/ac), R-15 (Residential 11.5-15 du/ac), R-23 (Residential 19-23 du/ac), R-30 (Residential 26.5-30 du/ac), R-35 (Residential 32.5-35 du/ac) and R-40 (Residential 37.5-40 du/ac) land use designations of the Carlsbad general plan; and
 9. That the following use listings from Table A of Section 21.24.020 of the Carlsbad Municipal Code are amended to read as follows:

Use	P	CUP	Acc
Dwelling, one-family (see notes 2, 3 and 7 below) (defined: Section 21.04.125)	X		
Dwelling, two-family (see note 7 below; defined: Section 21.04.130)	X		
Dwelling, multiple-family (see note 7 below; if the multiple-family dwelling is not subject to note 7, it shall be subject to Section 21.53.120 if more than 4 units are proposed; defined: Section 21.04.135)	X		

10. That the notes following Table A of Section 21.24.020 of the Carlsbad Municipal Code are amended to read as follows by the revision of note 3 and the addition of note 7.

Notes:

3. Within the R-15, R-23, and R-30 land use designations, one-family dwellings are permitted when developed as two or more detached units on one lot provided the minimum density of the designation can be attained. In the R-35 and R-40 land use designations, one family dwellings are not permitted. 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, unless the lot has been rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element, in which case it shall meet the minimum density of the designation. 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.
7. Housing developments that contain a minimum of 20 percent affordability to lower-income households as required by Government Code section 65583(c)(1) and 65583.2(h) and that are on specific sites rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element shall be permitted “by right” as that term is defined in Government Code Section 65583.2(h) and shall be subject to the mitigation measures of Supplemental Environmental Impact Report EIR 2022-0007, certified by City Council Resolution 202X-XXX.

11. That Section 21.24.030 of the Carlsbad Municipal Code is amended to read as follows:

21.24.030 Building Height

No building shall exceed a height of thirty-five feet. When the RD-M zone implements the R-35 and R-40 land use designations, no building shall exceed a height of forty-five feet. In all designations RD-M implements, protrusions may exceed the maximum heights permitted as described in Section 21.46.020.

12. That Section 21.24.040 of the Carlsbad Municipal Code is amended to read as follows:

21.24.040 Front yard.

Every lot shall have a front yard of not less than ten feet in depth. However, a front yard of not less than twenty feet in depth shall be provided to carport or garage openings that face onto the front yard.

13. That Section 21.24.050 of the Carlsbad Municipal Code is amended to read as follows:

21.24.050 Side yard.

A. Every lot shall have a side yard as follows:

1. Interior lots shall have a side yard on each side of the lot of not less than five feet in width;
2. Corner lots and reversed corner lots shall have side yards as follows:
 - a. On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot, and
 - b. On any side of a lot which is adjacent to a street, the side yard shall be ten feet.

14. That Section 21.24.080 of the Carlsbad Municipal Code is amended to read as follows:

21.24.080 Yards—Structures over thirty-five feet in height.

The above specified yard requirements apply only to those structures up to a height of thirty-five feet and to those structures when the RD-M Zone implements the R-35 and R-40 land use designations. For any other structure which has had its height increased by approval of a specific plan, the yards shall be increased at a ratio of one and one-half additional foot horizontally, for each eight feet of vertical construction. (Ord. NS-718 § 14, 2004)

15. That Section 21.24.100 B. of the Carlsbad Municipal Code is amended to read as follows:

21.24.100 Lot area.

- B. The minimum lot area of a lot in the RD-M zone, when the zone implements the R-15, or R-23, R-30, R-35 or R-40 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. (Ord. NS-718 § 14, 2004)

16. That Section 21.24.110 of the Carlsbad Municipal Code is amended to read as follows:

21.24.110 Lot coverage.

All buildings, including accessory buildings and structures, shall cover no more of the lot than sixty percent. In the R-35 and R-40 land use designations, all buildings, including accessory buildings and structures, shall cover no more than seventy-five percent of the lot.

17. That Table A of Section 21.45.040 of the Carlsbad Municipal Code is amended to reflect the renumbering of notes in Table A and in the note list following the table due to the addition of note 5:

Zone	Residential Use	
	One-Family Dwelling or Twin-Home on Small Lots (one unit per lot)	Condominium Project
R-1	(1) or (4)	One-family dwellings - (3) or (4)
		Two-family dwellings - (1) or (4)
		Multiple-family dwellings - (4)
R-2	P	One-family or two-family dwellings - P
		Multiple-family dwellings - (2) or (4)
R-3	P	P
RD-M	P(5)	P
R-W	X	P
R-P	(6)	(7)
RMHP	P	P
P-C	(8)	(8)
V-B	(9)	(9)
Accessory Uses	(10)	(10)

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) One-family dwellings or twin-homes on small lots (one unit per lot) are not permitted in the RD-M Zone when it implements the R-35 or R-40 land use designation.
- (6) Permitted when the R-P zone implements the R-15 land use designation.
- (7) Permitted when the R-P zone implements the R-15 or R-23 land use designations.
- (8) Permitted uses shall be consistent with the master plan.
- (9) Refer to the Village and Barrio master plan for permitted uses.
- (10) Refer to Table F for permitted accessory uses.

18. That the text in reference number rows “C.9” and “C.12” of Table C of Section 21.45.060 of the Carlsbad Municipal Code is amended to reflect the updated General Plan designations:

REF. NO.	SUBJECT	DEVELOPMENT STANDARD		
C.9	Community Recreational Space ⁽¹⁾	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 R-23, R-30, R-35 or R-40 general plan designations	200 square feet per unit
			Project IS within R-23, R-30, R-35 or R-40 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.	
		C.12	Recreational Vehicle (RV) Storage ⁽¹⁾	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 R-15, R-23, R-30, R-35 or R-40 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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19. That the text in reference number rows “E.4,” “E.5,” “E.7,” and “E.8” of Table E of Section 21.45.080 of the Carlsbad Municipal Code is amended to reflect the updated General Plan designations:

REF. NO.	SUBJECT	DEVELOPMENT STANDARD		
E.4	Maximum Building Height	Same as required by the underlying zone, and not to exceed three stories ^{(1), (7)}		
		Projects within the R-23 and R-30 general plan designations ^{(1), (7)}	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		
		Projects within the R-35 and R-40 designations ⁽⁷⁾	45 feet, if roof pitch is 3:12 or greater	
			40 feet, if roof pitch is less than 3:12	
E.5	Minimum Building Setbacks	From a private or public street ^{(2), (3)}	Residential structure	10 feet
			Direct entry garage	20 feet
		From a drive-aisle ⁽⁴⁾	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.
				0 feet (residential structure and garage)

			Projects of 25 units or less within the R-15, R-23, R-30, R-35, and R-40 general plan designations	Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.
				0 feet
			Balconies/decks (unenclosed and uncovered)	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"> • Setbacks from property lines • Building separation • Fire and Engineering Department requirements
		From the perimeter property lines of the project site (not adjacent to a public/private street)	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.	
E.7	Resident Parking ⁽⁶⁾	All dwelling types	If a project is located within the R-23, R-30, R-35 or R-40 general plan designations, resident parking shall be provided as specified below, and may also be provided as follows: <ul style="list-style-type: none"> • 25% of the units in the project may include a tandem two-car garage (minimum 12 feet × 40 feet). • Calculations for this provision resulting in a fractional unit may be rounded up to the next whole number. 	
		One-family and two-family dwellings	2 spaces per unit, provided as either: <ul style="list-style-type: none"> • a two-car garage (minimum 20 feet × 20 feet), or • 2 separate one-car garages (minimum 12 feet × 20 feet each) • In the R-W Zone, the 2 required parking spaces may be provided as 1 covered space and 1 uncovered space⁽⁵⁾ 	
		Multiple-family dwellings	Studio and one-bedroom units	1.5 spaces per unit, 1 of which must be covered ⁽⁵⁾
				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.	
			Units with two or more bedrooms	2 spaces per unit, provided as either: <ul style="list-style-type: none">• a one-car garage (12 feet × 20 feet) and 1 covered or uncovered space; or⁽⁵⁾• a two-car garage (minimum 20 feet × 20 feet), or• 2 separate one-car garages (minimum 12 feet × 20 feet each)• 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⁽⁵⁾	
				Required parking may be provided within an enclosed parking garage with multiple, open parking spaces, subject to the following: <ul style="list-style-type: none">• Each parking space shall maintain a standard stall size of 8.5 feet by 20 feet, exclusive of supporting columns; and• 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.	
				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.		
		One-family and two-family dwellings	Minimum total area per unit	Projects not within the R-15, R-23, or R-30 general plan designations	400 square feet
				Projects within the R-15, R-23 or R-30 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 R-15, R-23 or R-30 general plan designations	15 feet	
					Within the R-15, R-23 or R-30 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">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).			
				<ul style="list-style-type: none">The length of the projection shall not be limited, except as required by any setback or lot coverage standards.			
				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 R-23, R-30, R-35, and R-40 general plan designations 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.
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20. That Section 21.90.045 of the Carlsbad Municipal Code is amended to reflect the addition of text describing growth management control points and that the table titled “Allowed Dwelling Units Per Acre” within Section 21.90.045 is amended with updates to the General Plan Density Ranges:

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.

These growth management control points help the city reasonably estimate potential dwelling unit yields for purposes of determining the future public facility needs of new development.

Allowed Dwelling Units Per Acre

General Plan Density Ranges	Growth Management Control Point
R 1.5 0—1.5	1.0
R-4 0—4.0	3.2
R-8 4.0—8.0	6.0
R-15 11.5—15.0	11.5
R-23 19.0—23.0	19.0
R-30 26.5—30.0	26.5
R-35 32.5—35	32.5
R-40 37.5—40	37.5

21. That new Section 21.90.200 of the Carlsbad Municipal Code, is added to read as follows:

21.90.200 State law preemption

Notwithstanding above sections to the contrary, including but not necessarily limited to sections 21.90.010, 21.90.045, 21.90.180, and 21.90.185, state legislation (SB 166, and SB 330, the Housing Crisis Act of 2019) preempt the city from implementing residential growth management plan caps, residential quadrant limits and residential control points. As a result, the City Council passed Resolution 2021-074 finding that it cannot and will not enforce these residential caps, quadrant limits, and control points.

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 2022-0015, 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 day of _____, 2024, and thereafter

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CINDIE K. McMAHON, City Attorney

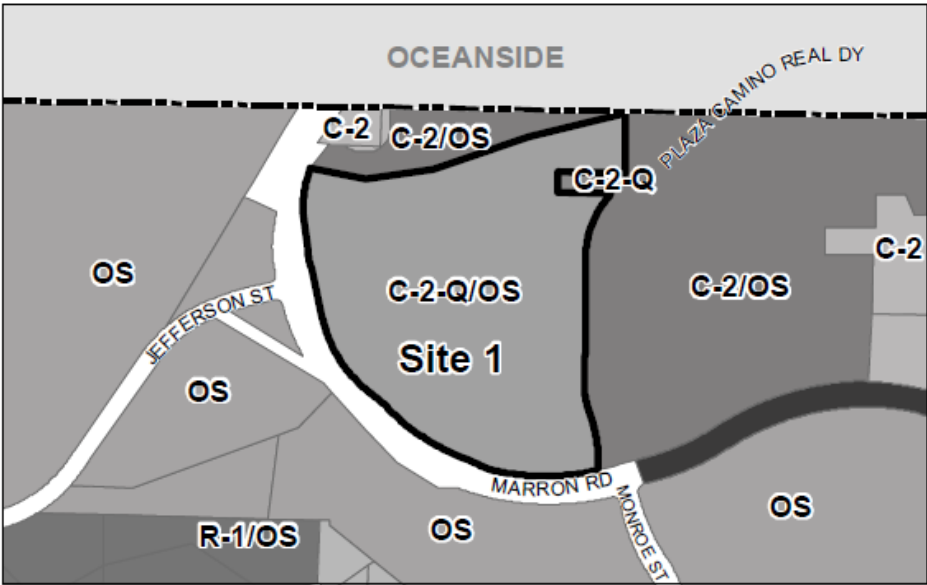
KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

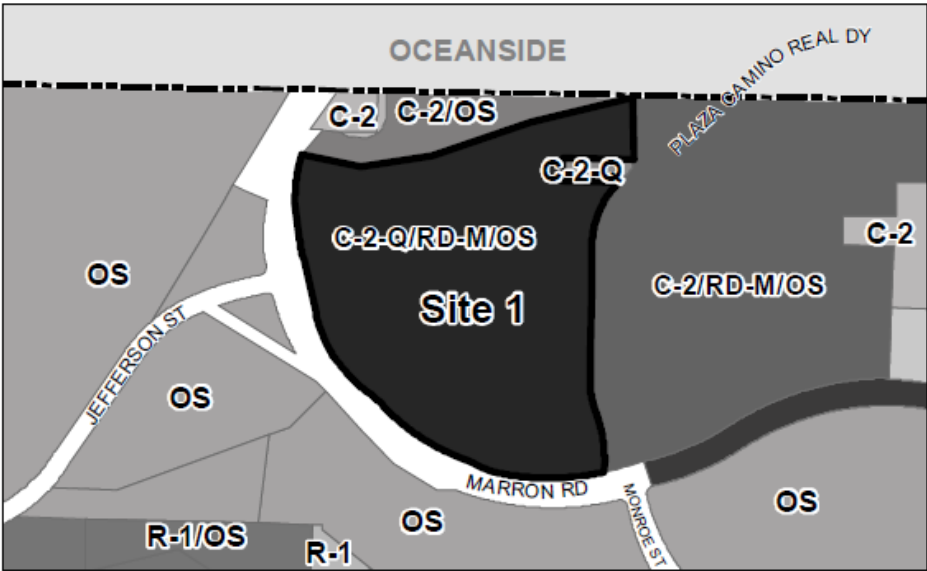
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 1 – NORTH COUNTY PLAZA



EXISTING



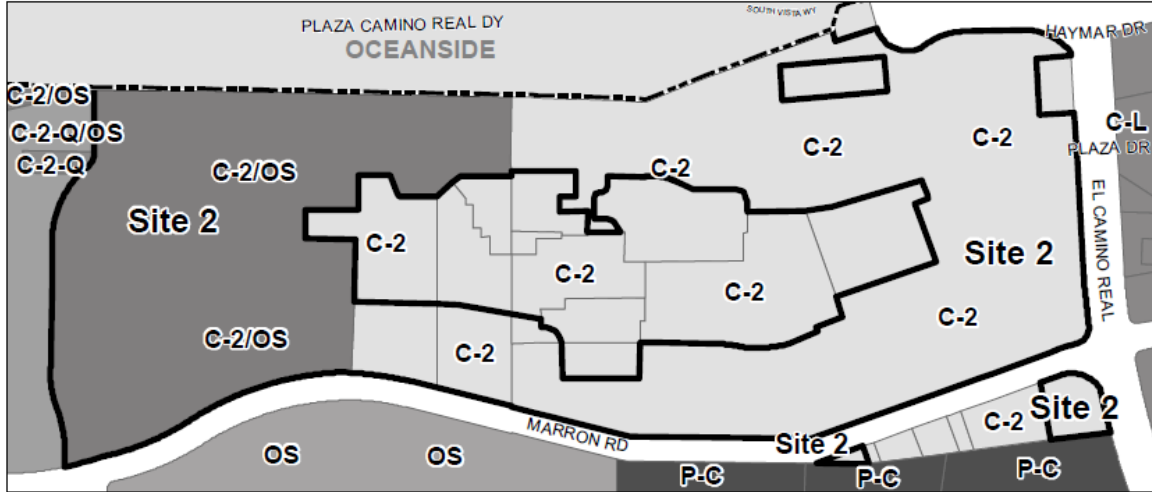
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 156-301-16-00	C-2-Q/OS	C-2-Q/RD-M/OS

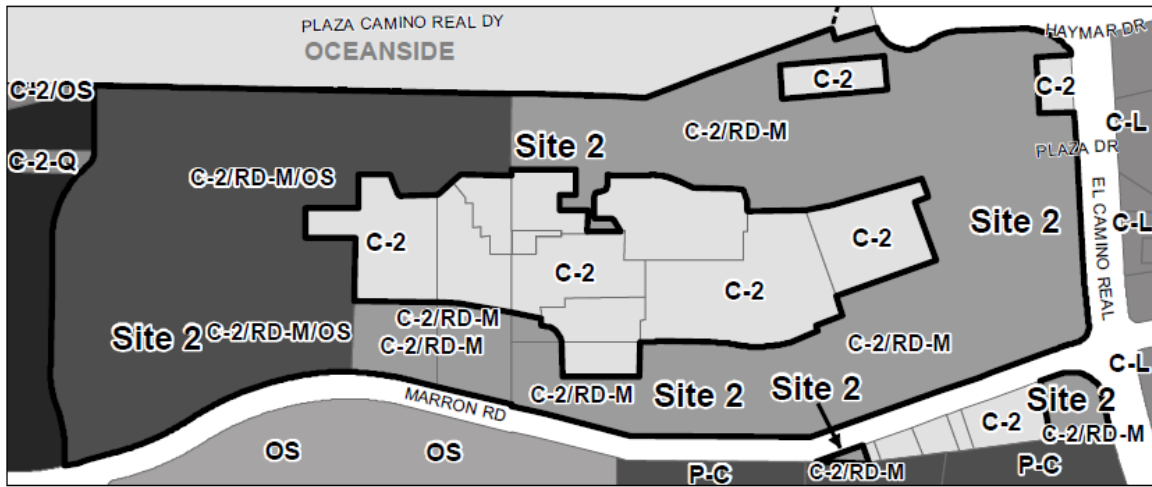
Exhibit “ZC 2022-0001”

October 18, 2023

Site 2 – THE SHOPPES AT CARLSBAD PARKING LOT



EXISTING



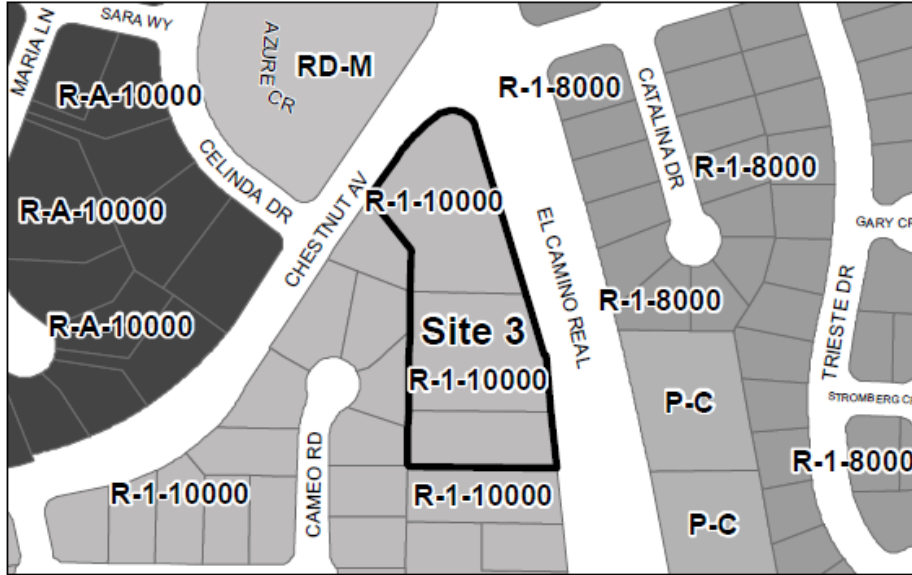
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 156-301-11-00	C-2/OS	C-2/RD-M/OS
B. 156-302-14-00	C-2	C-2/RD-M
C. 156-302-35-00	C-2	C-2/RD-M
D. 156-301-06-00	C-2	C-2/RD-M
E. 156-301-01-00	C-2	C-2/RD-M
F. 156-302-23-00	C-2	C-2/RD-M
G. 156-302-17-00	C-2	C-2/RD-M

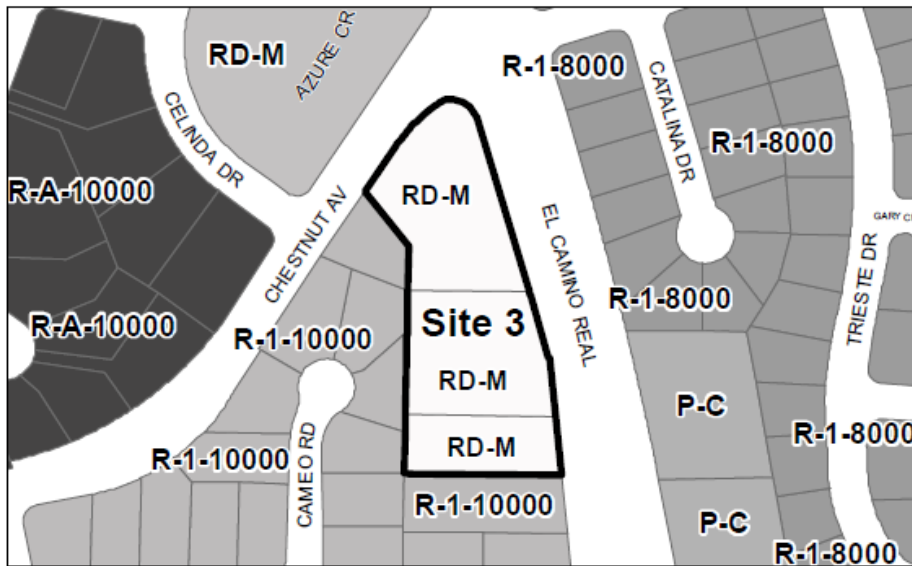
Exhibit “ZC 2022-0001”

October 18, 2023

Site 3 – CHESTNUT AT EL CAMINO REAL PARCEL



EXISTING



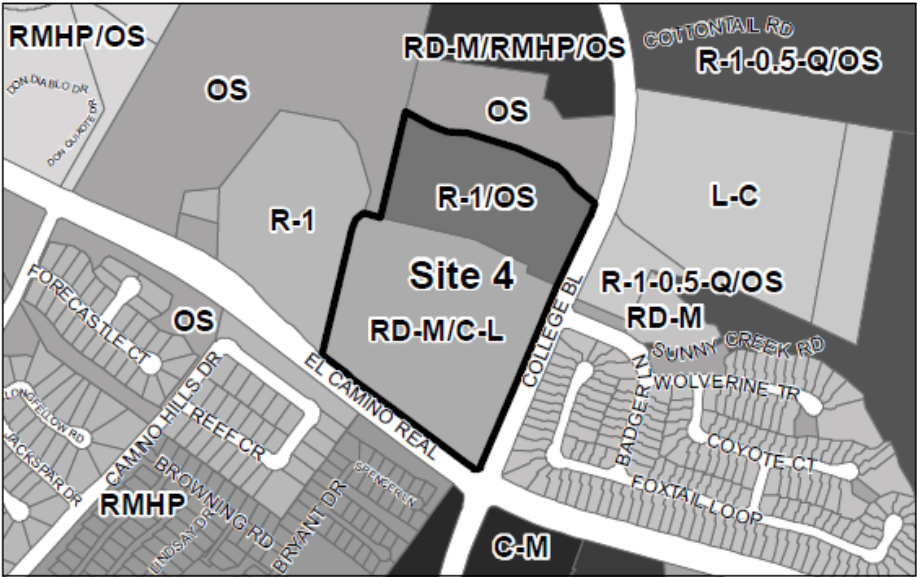
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 167-080-34-00	R-1-10000	RD-M
B. 167-080-49-00	R-1-10000	RD-M
C. 167-080-50-00	R-1-10000	RD-M

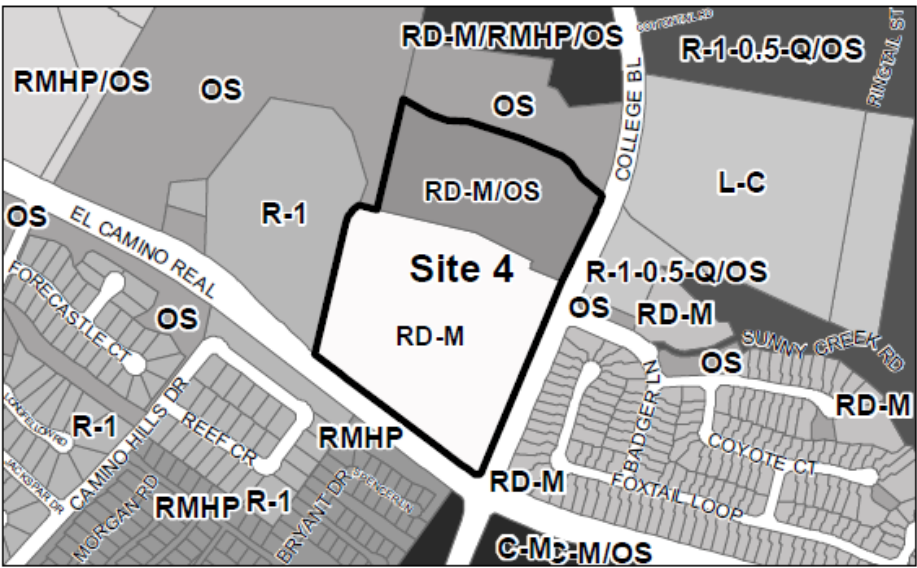
Exhibit “ZC 2022-0001”

October 18, 2023

Site 4 – ZONE 15 CLUSTER



EXISTING



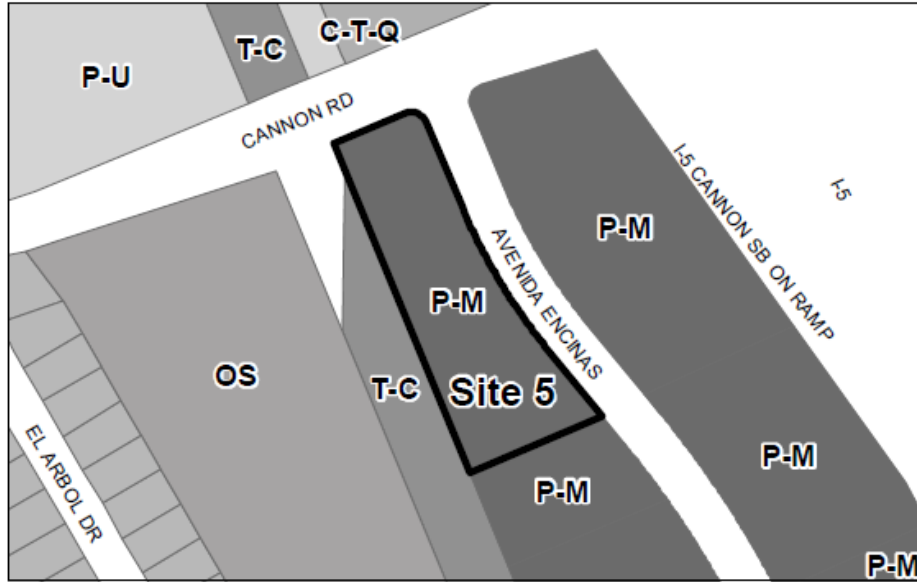
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 209-060-72-00	R-1/OS	RD-M/OS
B. 209-090-11-00	RD-M/C-L	RD-M

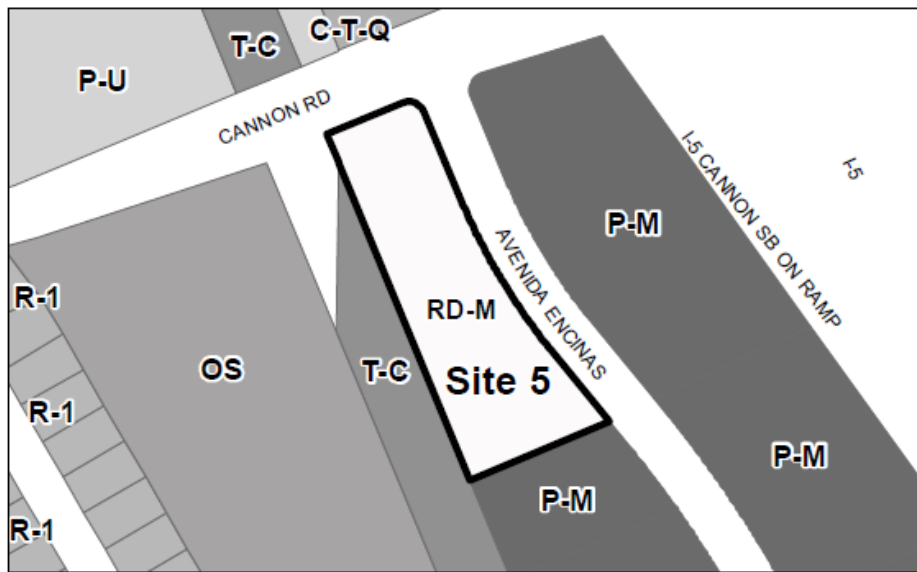
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 5 – AVENIDA ENCINAS CAR STORAGE LOT



EXISTING



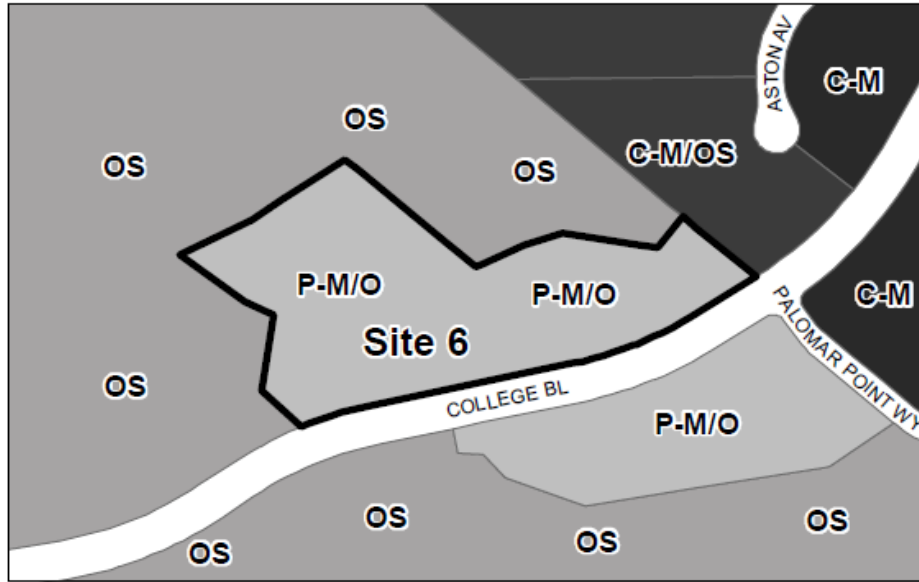
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 210-090-24-00	P-M	RD-M

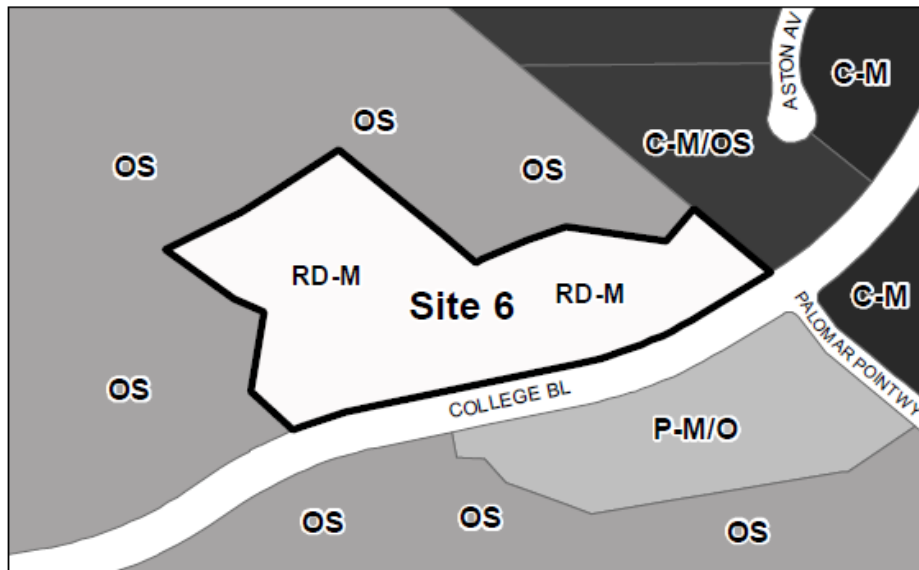
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 6 – CROSSINGS GOLF COURSE LOT 5



EXISTING



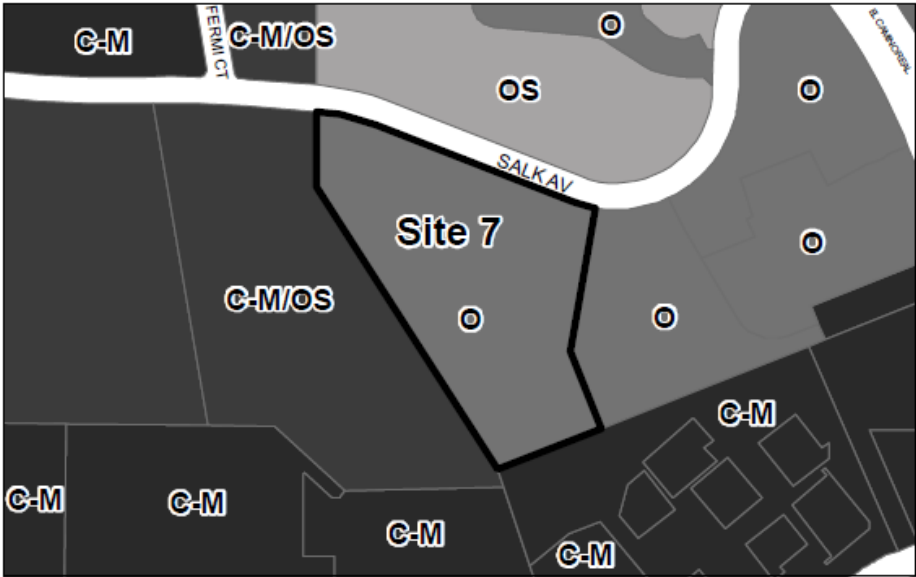
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 212-270-05-00	P-M/O	RD-M

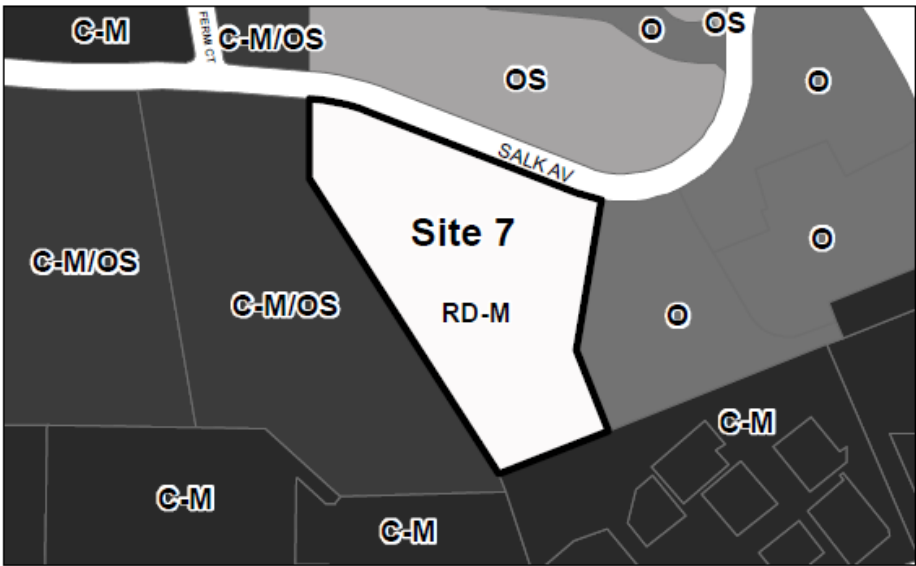
Exhibit “ZC 2022-0001”

October 18, 2023

Site 7 – SALK AVENUE PARCEL



EXISTING



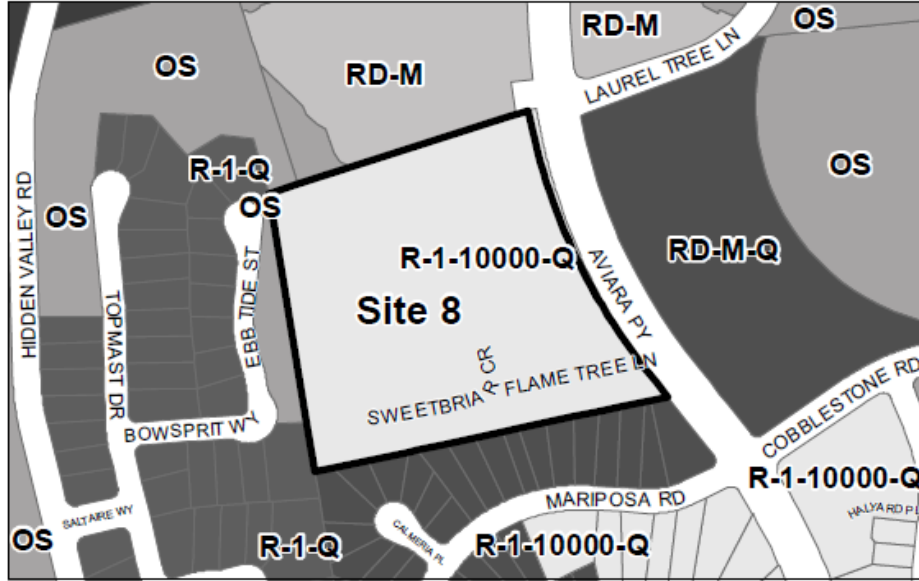
PROPOSED

Zoning Map Designation Change		
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A. 212-021-04-00	O	RD-M

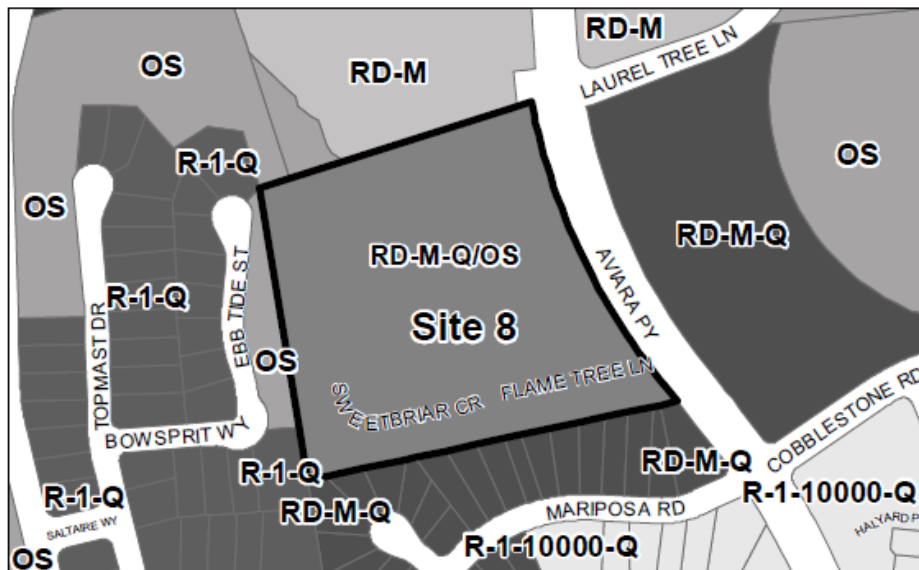
Exhibit “ZC 2022-0001/ LCPA 2022-0015”

October 18, 2023

Site 8 – COTTAGE ROW APARTMENTS



EXISTING



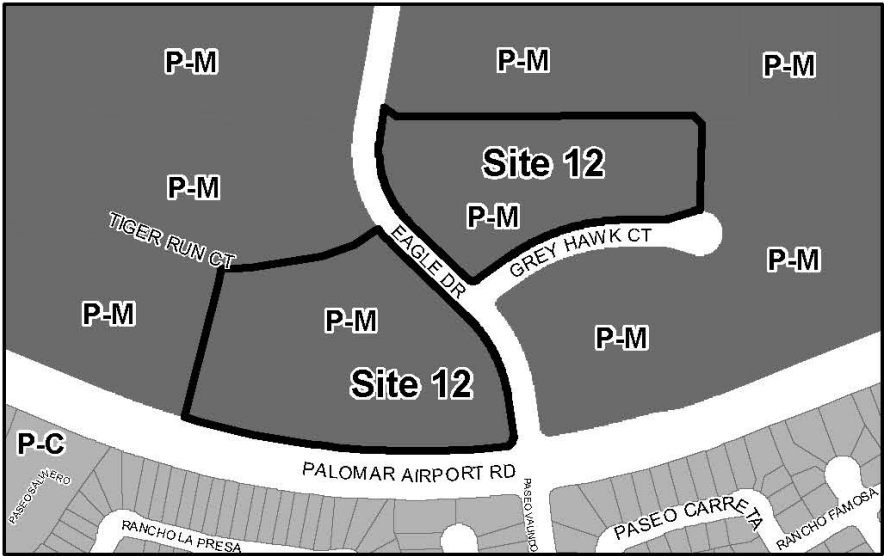
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 212-040-47-00	R-1-10000-Q	RD-M-Q/OS

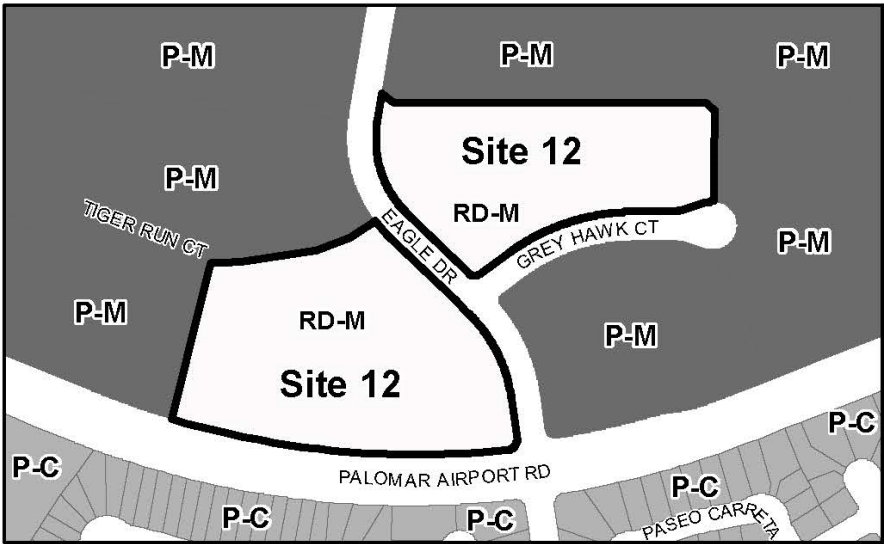
Exhibit “ZC 2022-0001”

October 18, 2023

Site 12 – INDUSTRIAL SITES EAST OF MELROSE DRIVE



EXISTING



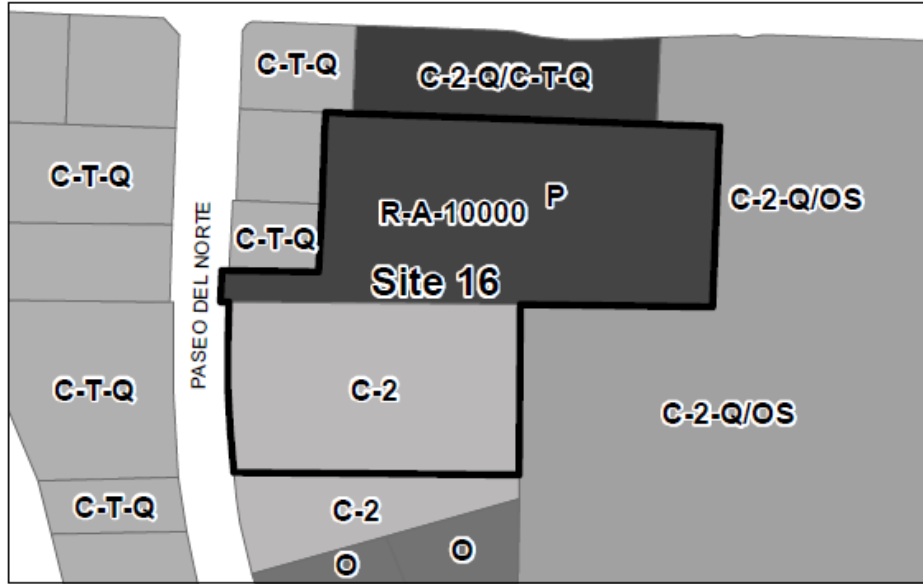
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 221-015-08-00	P-M	RD-M
B. 221-014-03-00	P-M	RD-M

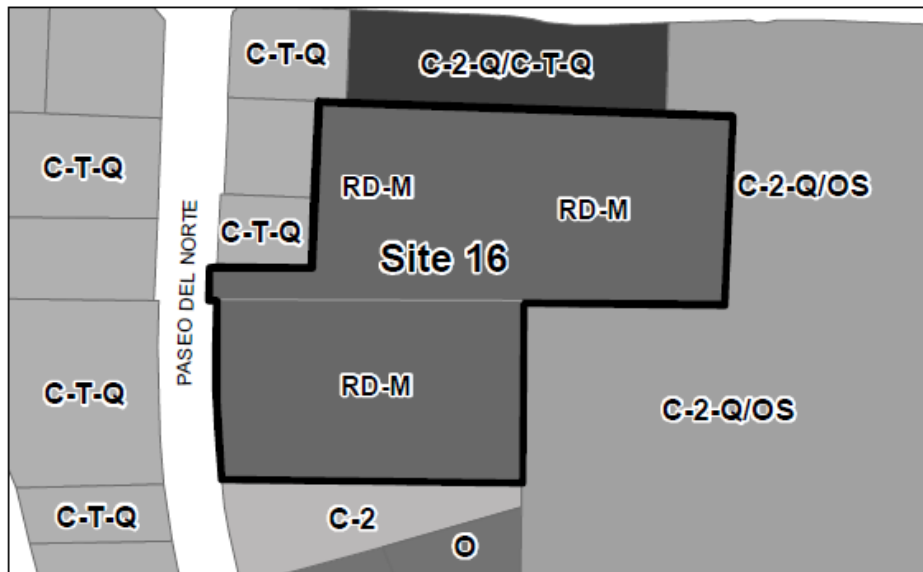
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 16 – CALTRANS MAINTENANCE STATION AND PACIFIC SALES



EXISTING



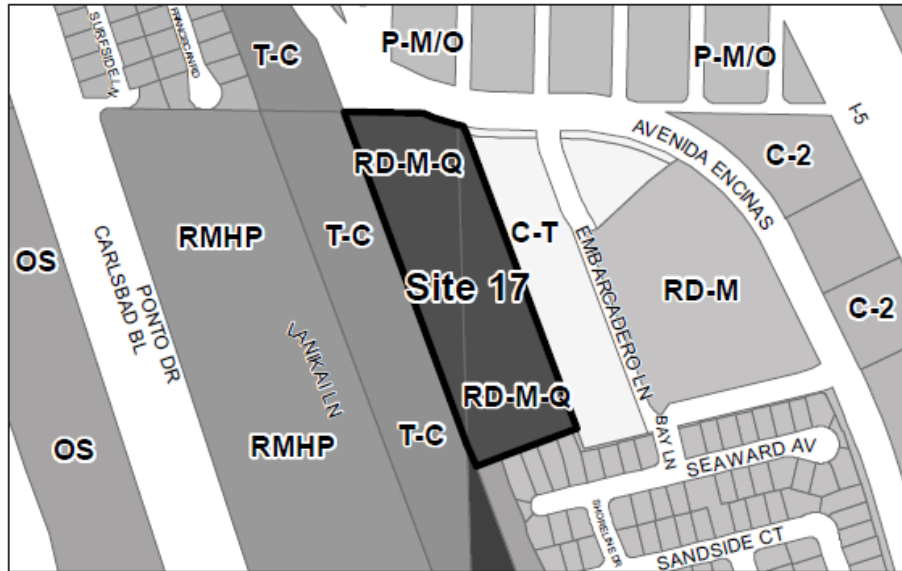
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 211-050-08-00	R-A-10000	RD-M
B. 221-050-09-00	C-2	RD-M

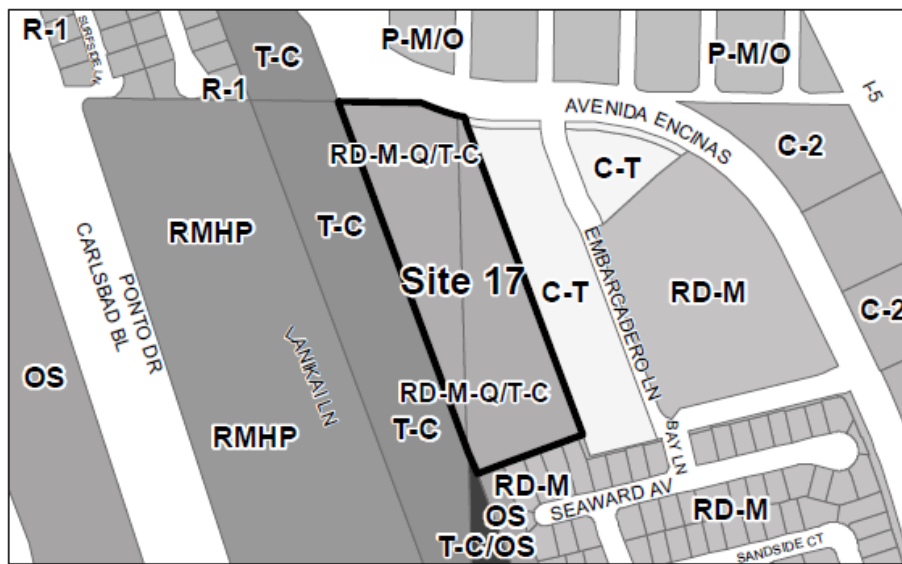
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 17 – NCTD POINTSETTIA COASTER STATION



EXISTING



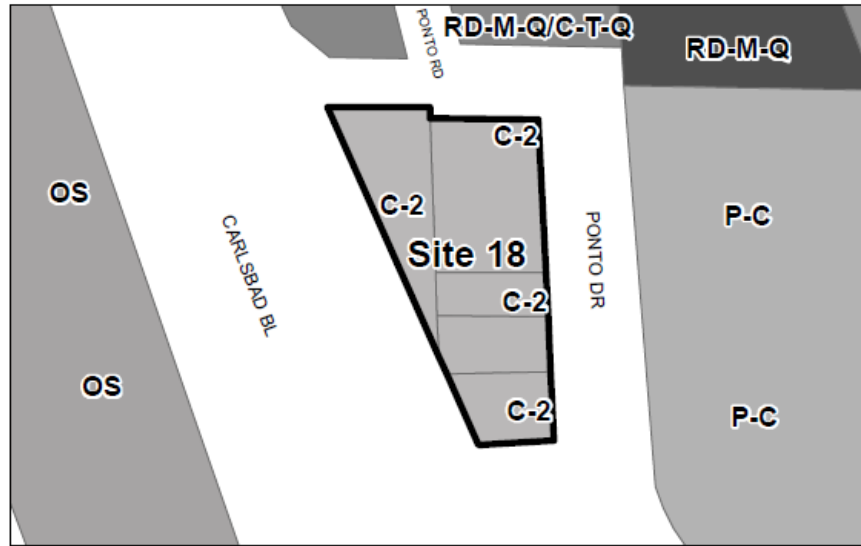
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 214-150-08-00	RD-M-Q	RD-M-Q/T-C-Q
B. 214-150-20-00	RD-M-Q	RD-M-Q/T-C-Q

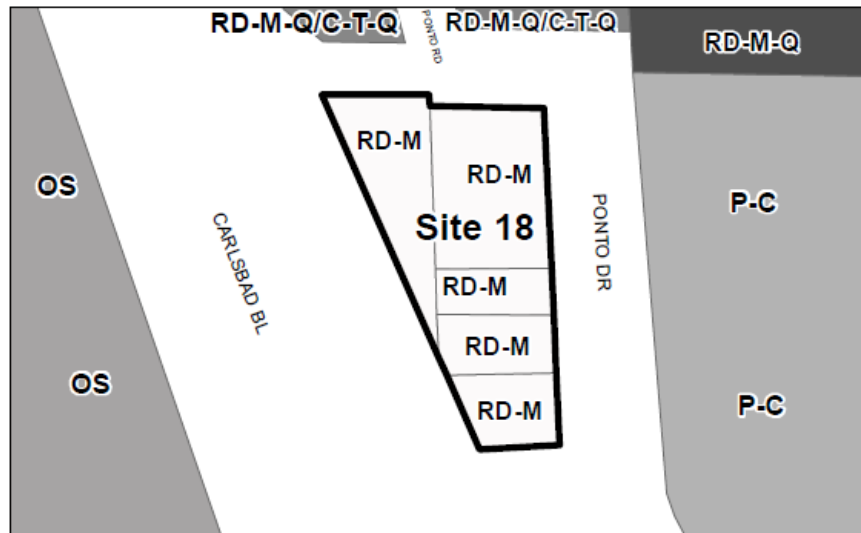
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 18 – NORTH PONTO PARCELS



EXISTING



PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 216-010-01-00	C-2	RD-M
B. 216-010-02-00	C-2	RD-M
C. 216-010-03-00	C-2	RD-M
D. 216-010-04-00	C-2	RD-M
E. 216-010-05-00	C-2	RD-M

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO THE BRESSI RANCH MASTER PLAN, FENTON CARLSBAD CENTER SPECIFIC PLAN, GREEN VALLEY MASTER PLAN, NORTH COUNTY PLAZA SPECIFIC PLAN, AND WESTFIELD CARLSBAD SPECIFIC PLAN TO IMPLEMENT PORTIONS OF OBJECTIVES B, C, AND D OF HOUSING ELEMENT PROGRAM 1.1 (PROVIDE ADEQUATE SITES TO ACCOMMODATE THE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)), AND OBJECTIVE B OF HOUSING ELEMENT PROGRAM 1.3 (ALTERNATIVE HOUSING)

CASE NAME: HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE

CASE NO: AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015 (PUB 2022-0010)

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

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

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

WHEREAS, to implement Housing Element Program 1.1 (Provide Adequate Sites to Accommodate RHNA), and specifically objectives 1.1 b., 1.1 c. and 1.1 d.; and to implement Housing Element Program 1.3 (Alternative Housing), and specifically objective 1.3 b., the City Planner has prepared amendments to the Bressi Ranch Master Plan, Fenton Carlsbad Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan and to the Local Coastal Program (AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015) pursuant to Chapters 21.38, 21.52 and 21.54 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, on October 18, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015; and

WHEREAS the Planning Commission adopted Planning Commission Resolution 7499 recommending to the City Council that AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015 be approved; and

WHEREAS, as required by state law, a six-week notice of availability was issued for LCPA 2022-0015 from October 13, 2023 to November 24, 2023, and no comments were received; and

WHEREAS, on December 7, 2023, the Airport Land Use Commission reviewed and found that the proposed amendments to the Bressi Ranch Master Plan (AMEND 2023-0008) and Fenton Carlsbad Center Specific Plan (AMEND 2023-0009), both of which are within the Airport Influence Area of the adopted McClellan-Palomar Airport Land Use Compatibility Plan, are conditionally consistent with said plan; and

WHEREAS the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/LCPA 2022-0015.

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

1. The above recitations are true and correct.
2. That the findings of the Planning Commission in Planning Commission Resolution 7499 shall also constitute the findings of the City Council.
3. That the Bressi Ranch Master Plan, Fenton Carlsbad Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan are amended as shown on the attached exhibit "AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012, HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE, PROPOSED MASTER PLAN AND SPECIFIC PLAN AMENDMENTS" dated October 18, 2023, hereto as Attachment A and made a part hereof.

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 2022-0015, 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 day of _____, 2024, and thereafter

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

- AYES:
- NAYS:
- ABSTAIN:
- ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CINDIE K. McMAHON, City Attorney

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

Attachment A

Proposed Master Plan and Specific Plan Amendments (on file in the Office of the City Clerk)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO THE GENERAL PLAN LAND USE AND COMMUNITY DESIGN ELEMENT, LAND USE MAP (MAP 2 – EXCLUDING SITES 3, 8 AND 15), PUBLIC SAFETY ELEMENT, AND THE LOCAL COASTAL PROGRAM TO IMPLEMENT OBJECTIVES B, C, AND D OF HOUSING ELEMENT PROGRAM 1.1 (PROVIDE ADEQUATE SITES TO ACCOMMODATE THE RHNA), AND OBJECTIVE B OF HOUSING ELEMENT PROGRAM 1.3 (ALTERNATIVE HOUSING)

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

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

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

WHEREAS, to implement objectives b, c and d of Housing Element Program 1.1 (Provide Adequate Sites to Accommodate the RHNA), and to implement objective b of Housing Element Program 1.3 (Alternative Housing), the City Planner has prepared amendments to the General Plan Land Use and Community Design Element, Land Use Map and Public Safety Element (GPA 2022-0001), and to the Local Coastal Program Land Use Plan and Land Use Map (LCPA 2022-0015), pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, to meet said Housing Element objectives, the city evaluated rezoning 18 sites to accommodate increased residential units/density; and

WHEREAS, on February 15, 2022, staff presented the results of a community engagement effort to the City Council, and the City Council selected two rezone map options (Map 1 and Map 2) and directed staff to proceed with a complete environmental review of rezoning of the sites; and

WHEREAS, amendments to the Land Use and Community Design Element (GPA 2022-0001) are shown on Attachment A attached hereto; amendments to the General Plan Land Use Map and Local Coastal Program Land Use Map (GPA 2022-0001/LCPA 2022-0015) are shown on Attachment B

attached hereto; and amendments to the Public Safety Element (GPA 2022-0001) are shown on Attachment C attached hereto; and amendments to the Local Coastal Program Land Use Plan are shown on Attachment D attached hereto; and

WHEREAS, on October 18, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider GPA 2022-0001 and LCPA 2022-0015; and

WHEREAS the Planning Commission adopted Planning Commission Resolutions No. 7498 and 7499 recommending that the City Council approve GPA 2022-0001 and LCPA 2022-0015; and

WHEREAS, as required by state law, a six-week notice of availability was issued for LCPA 2022-0015 from October 13, 2023, to November 24, 2023, and no comments were received; and

WHEREAS, on December 7, 2023, the Airport Land Use Commission reviewed and found that the proposed Zone Code Amendment is conditionally consistent with the adopted McClellan-Palomar Airport Land Use Compatibility Plan; and

WHEREAS, on January 30, 2024, the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider GPA 2022-0001 and LCPA 2022-0015; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to GPA 2022-0001 and LCPA 2022-0015.

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

1. That the above recitations are true and correct.
2. The findings of the Planning Commission contained in Planning Commission Resolutions No. 7498 and 7499, on file with the City Clerk and incorporated herein by reference, are the findings of the City Council.
3. The Map 2 option (rezone all sites, excluding sites 3, 8 and 15) is the preferred option to meet the objectives of the Housing Element.
4. The amendments to the General Plan Land Use and Community Design Element (Attachment A, attached hereto), General Plan Land Use Map and Local Coastal Program Land Use Map for Map 2 (Attachment B, attached hereto), General Plan Public Safety Element (Attachment C, attached hereto), and Local Coastal Program Land Use Plan (Attachment D, attached hereto), are approved.

5. Staff is authorized to revise General Plan data and figures, as necessary, to reflect the exclusion of Sites 3, 8 and 15 from the approved land use map changes.
6. Staff is authorized to submit the following to the California Coastal Commission for certification: the Local Coastal Program Land Use Plan and Land Use Map amendments approved by this resolution.
7. The approved Local Coastal Program Land Use Plan and Land Use Map shall not become effective until approved and certified by the California Coastal Commission.
8. This action is final on the date this resolution is adopted by the City Council. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply:

"NOTICE"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA, 92008.

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

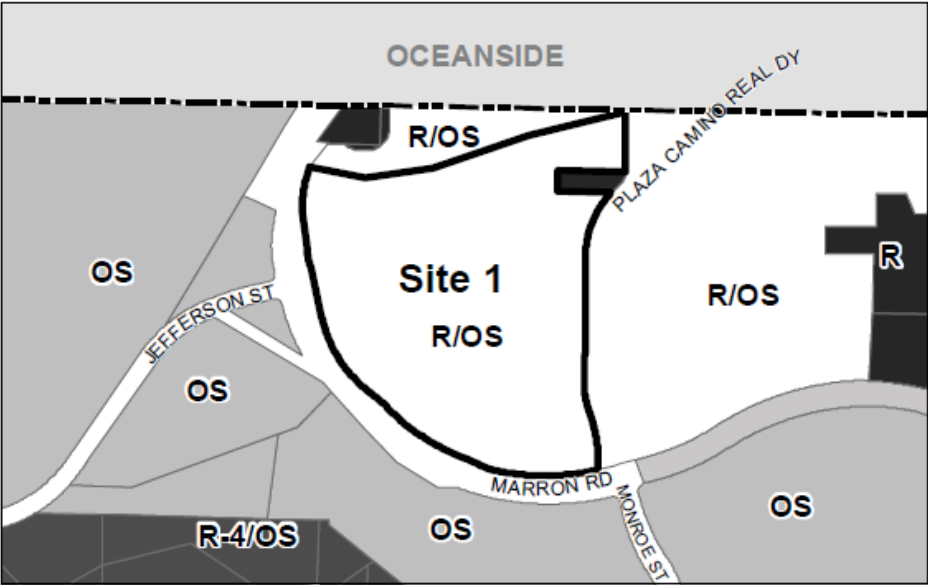
Attachment A

Land Use and Community Design Element (on file in the Office of the City Clerk)

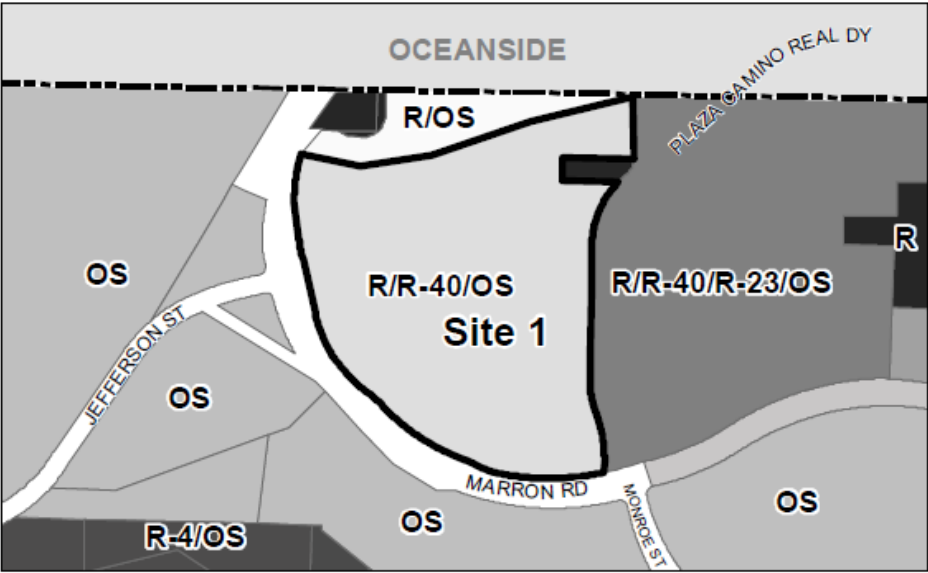
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 1 – NORTH COUNTY PLAZA



EXISTING



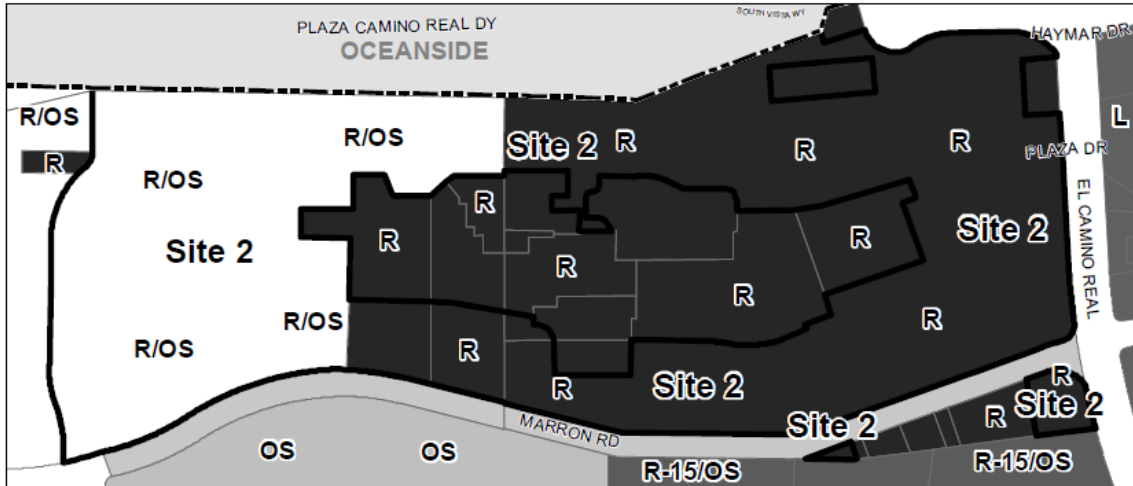
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 156-301-16-00	R/OS	R/R-40/OS

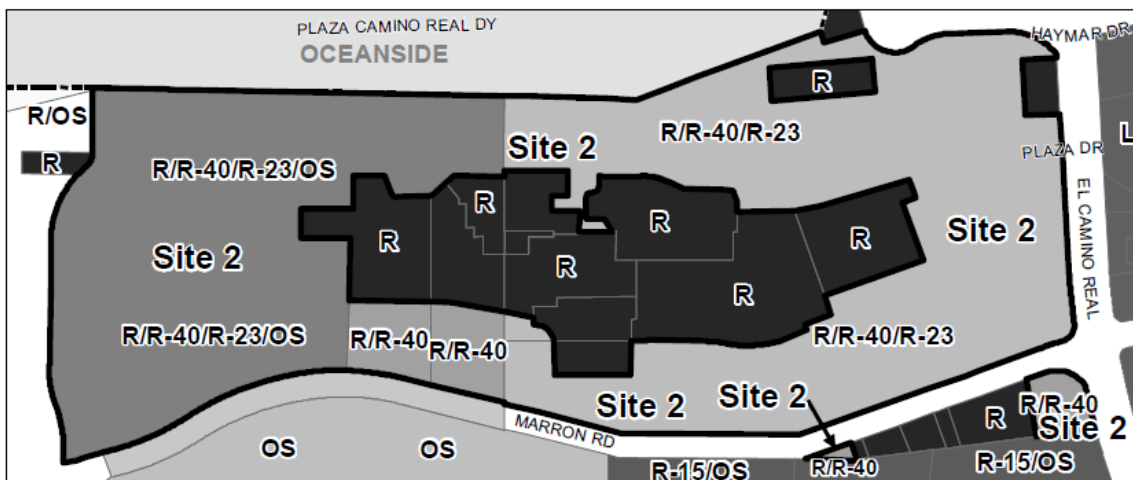
Exhibit “GPA 2022-0001”

October 18, 2023

Site 2 – THE SHOPPES AT CARLSBAD PARKING LOT



EXISTING



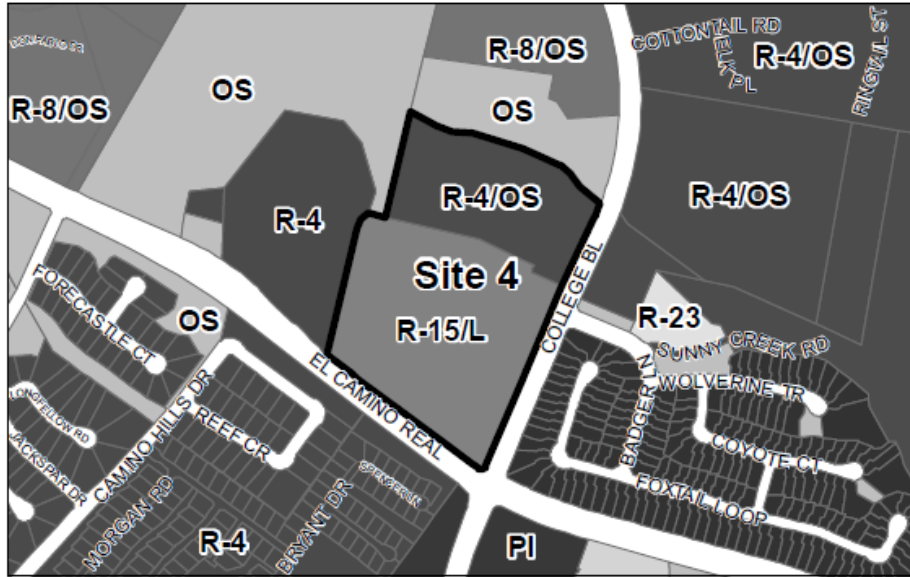
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 156-301-11-00	R/OS	R/R-40/R-23/OS
B. 156-302-14-00	R	R/R-40/R-23
C. 156-302-35-00	R	R/R-40/R-23
D. 156-301-06-00	R	R/R-40
E. 156-301-01-00	R	R/R-40
F. 156-302-23-00	R	R/R-40
G. 156-302-17-00	R	R/R-40

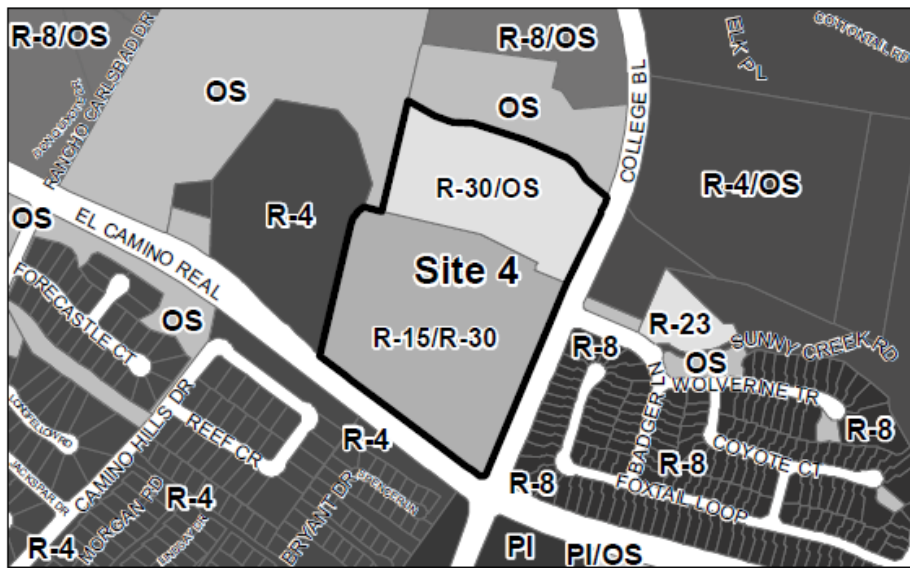
Exhibit “GPA 2022-0001”

October 18, 2023

Site 4 – ZONE 15 CLUSTER



EXISTING



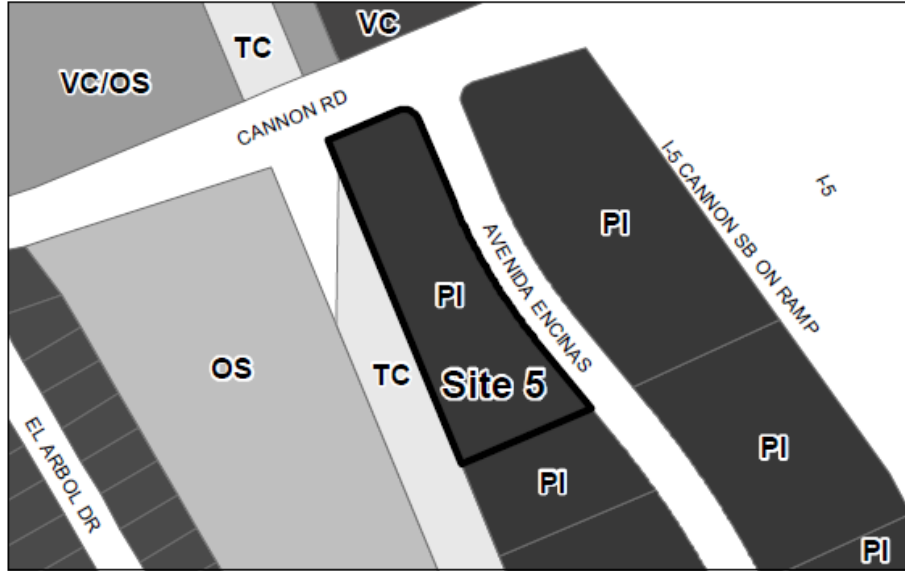
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 209-060-72-00	R-4/OS	R-30/OS
B. 209-090-11-00	R-15/L	R-15/R-30

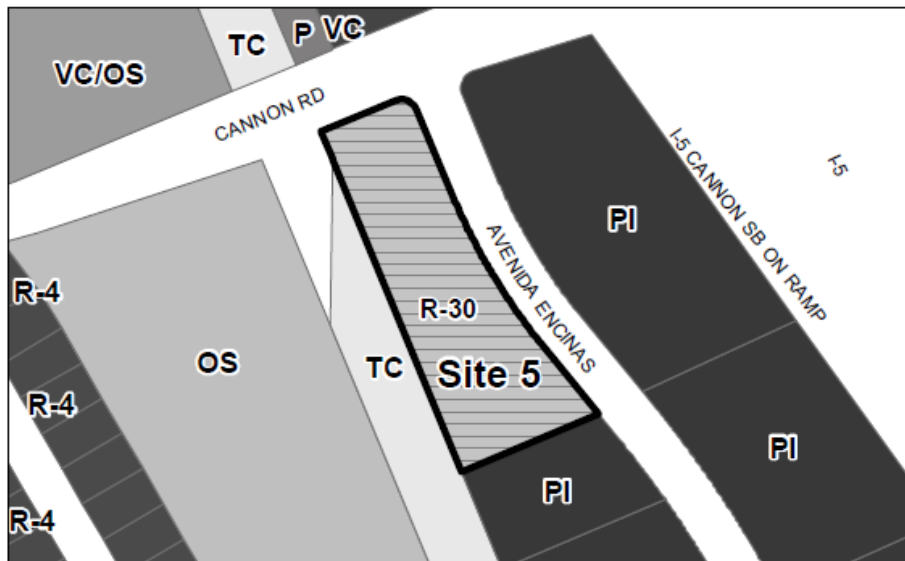
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 5 – AVENIDA ENCINAS CAR STORAGE LOT



EXISTING



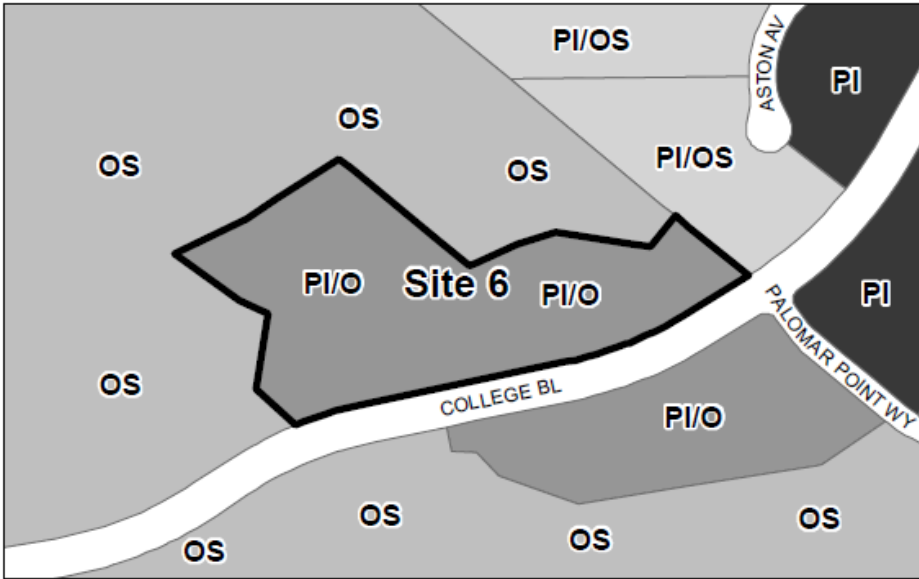
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 210-090-24-00	PI	R-30

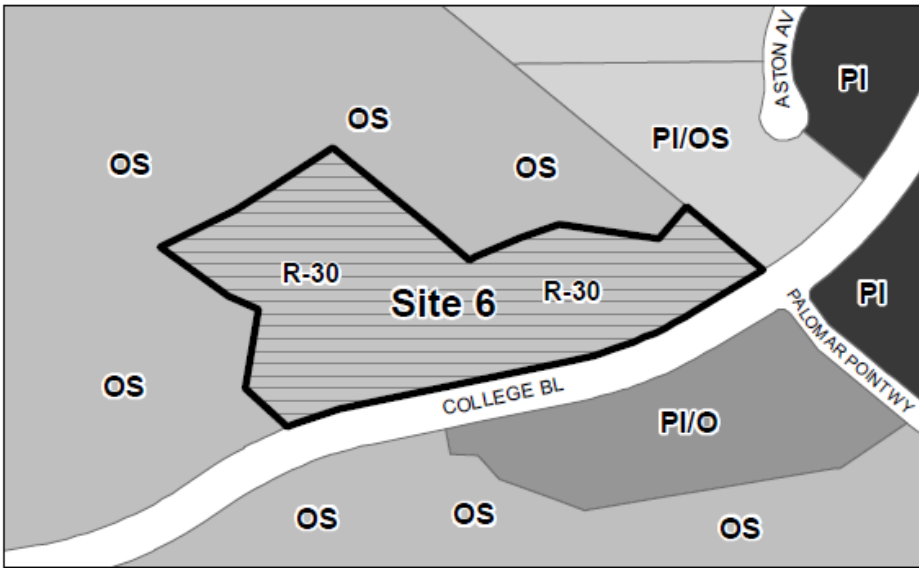
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 6 – CROSSINGS GOLF COURSE LOT 5



EXISTING



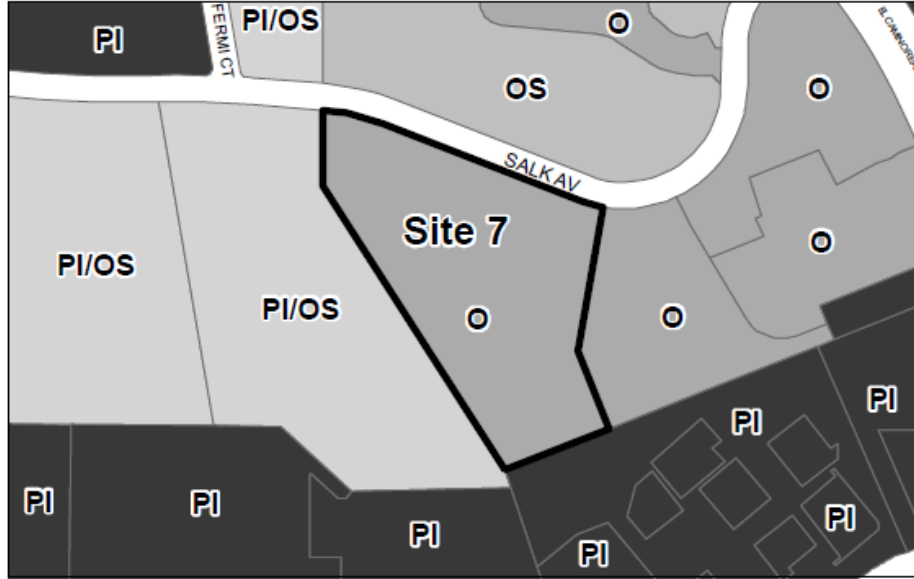
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 212-270-05-00	PI/O	R-30

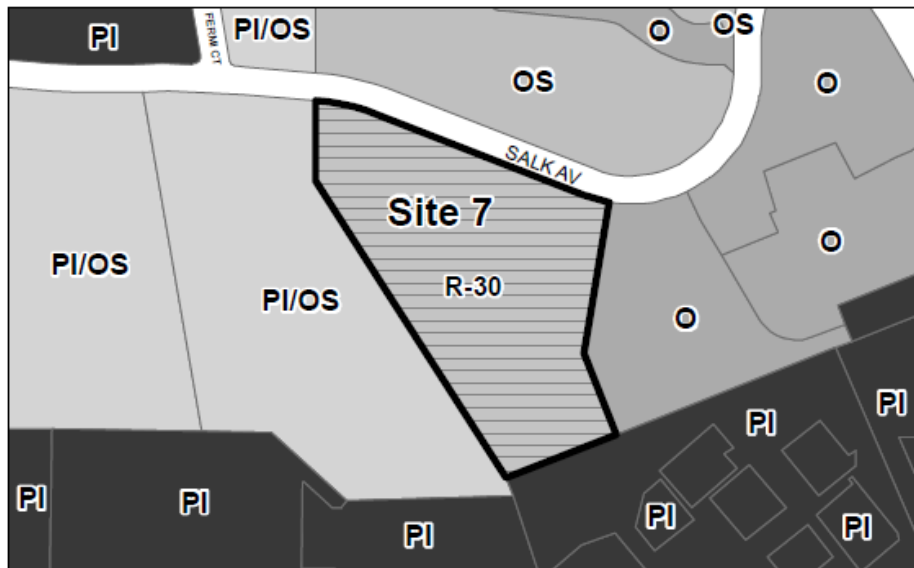
Exhibit “GPA 2022-0001”

October 18, 2023

Site 7 – SALK AVENUE PARCEL



EXISTING



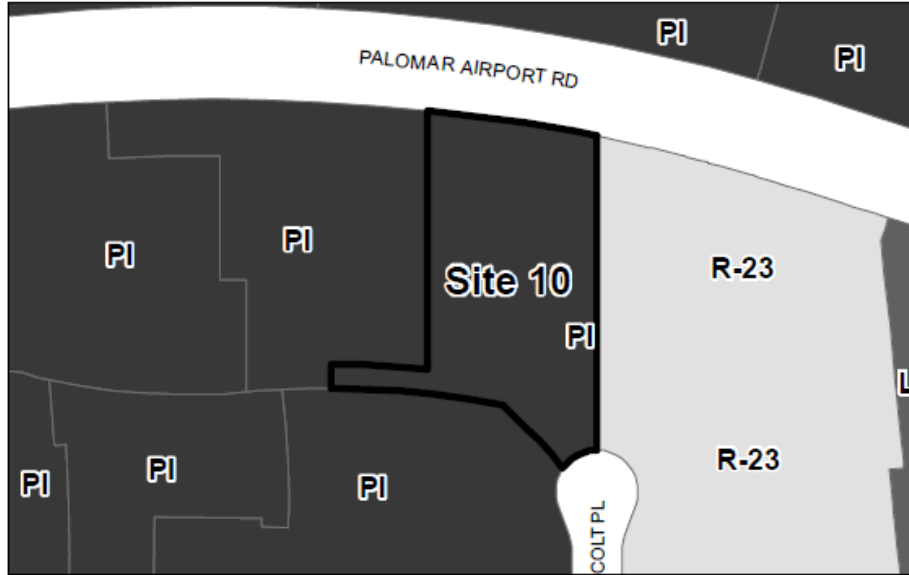
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 212-021-04-00	O	R-30

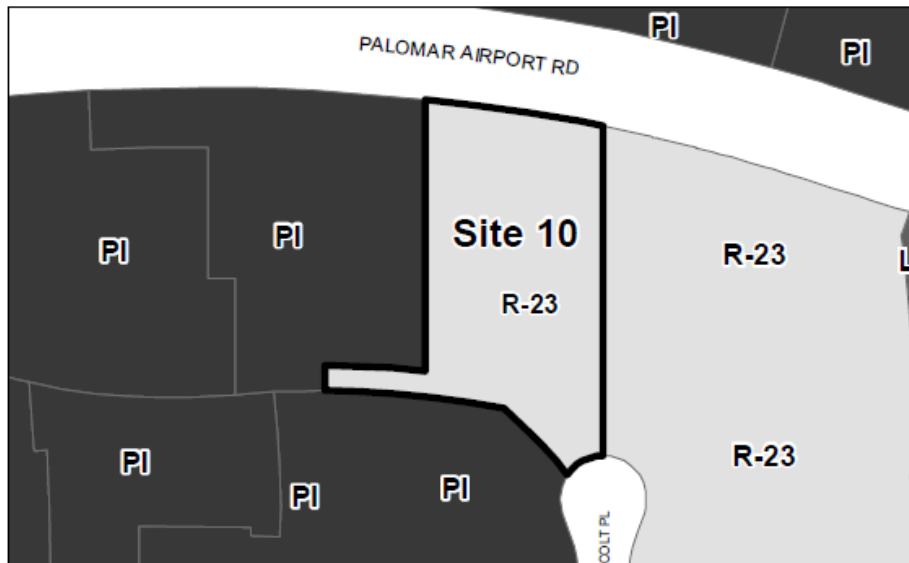
Exhibit “GPA 2022-0001”

October 18, 2023

Site 10 – BRESSI RANCH COLT PLACE INDUSTRIAL PARCEL



EXISTING



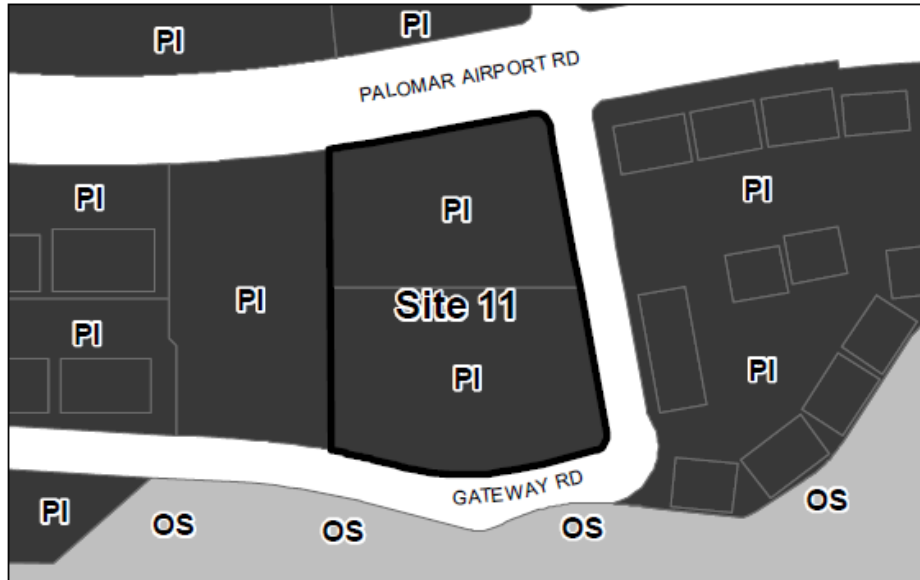
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 213-262-17-00	PI	R-23

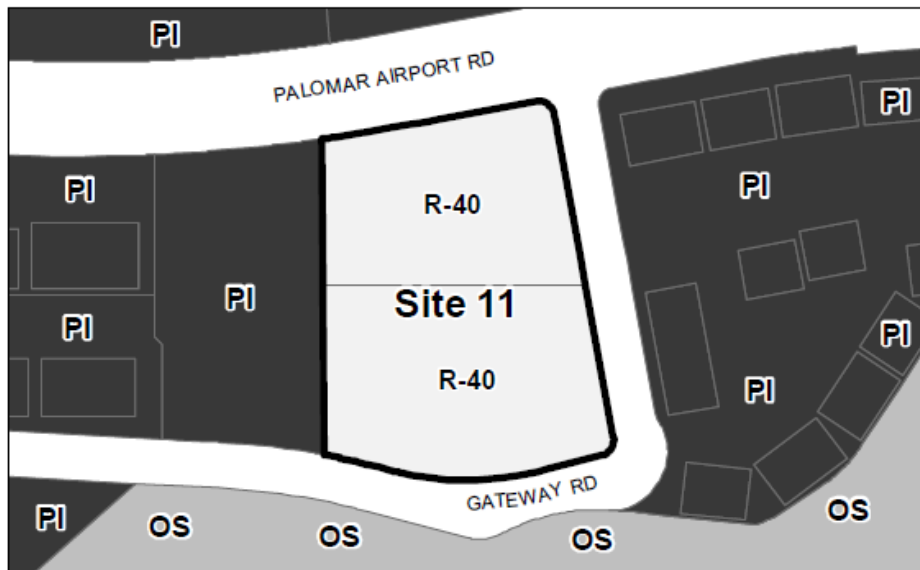
Exhibit “GPA 2022-0001”

October 18, 2023

Site 11 – BRESSI RANCH GATEWAY ROAD INDUSTRIAL PARCELS



EXISTING



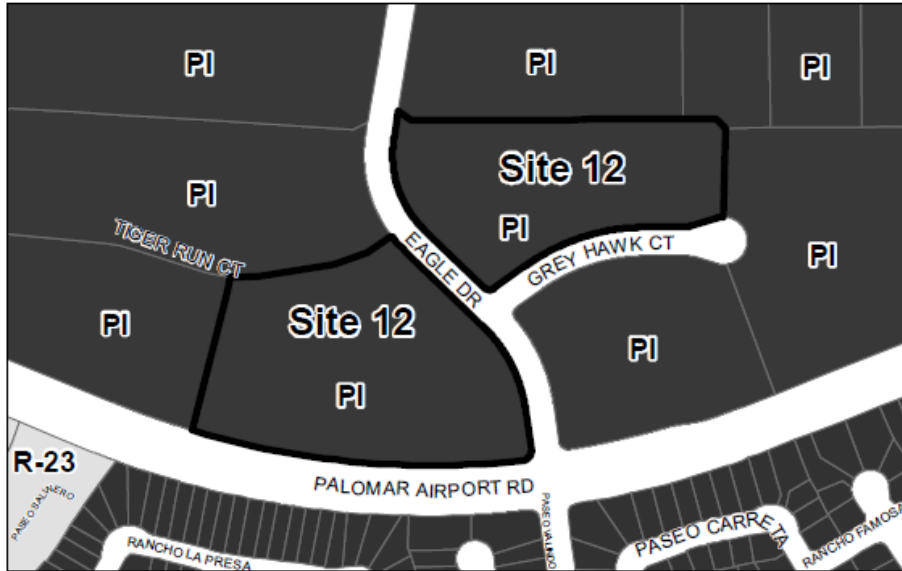
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 213-263-19-00	PI	R-40
B. 213-263-20-00	PI	R-40

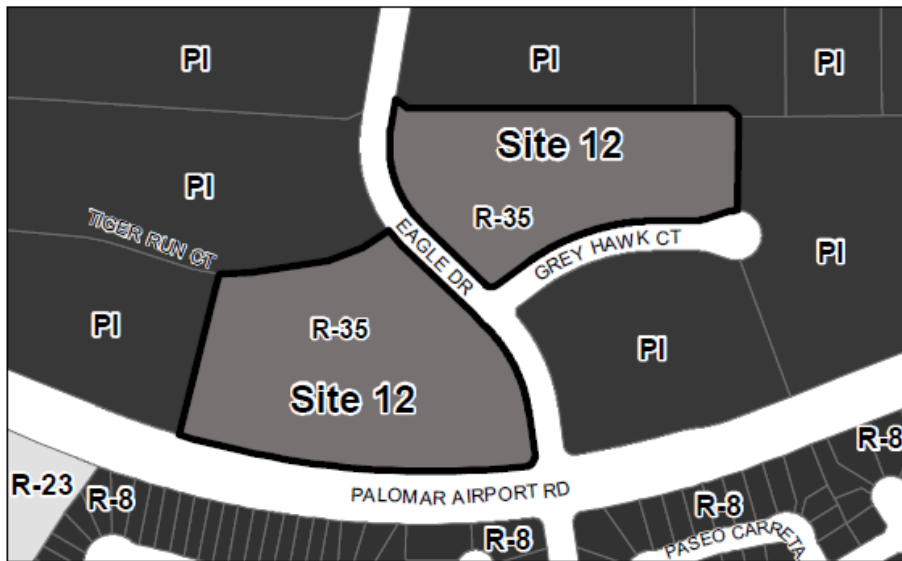
Exhibit “GPA 2022-0001”

October 18, 2023

Site 12 – INDUSTRIAL SITES EAST OF MELROSE DRIVE



EXISTING



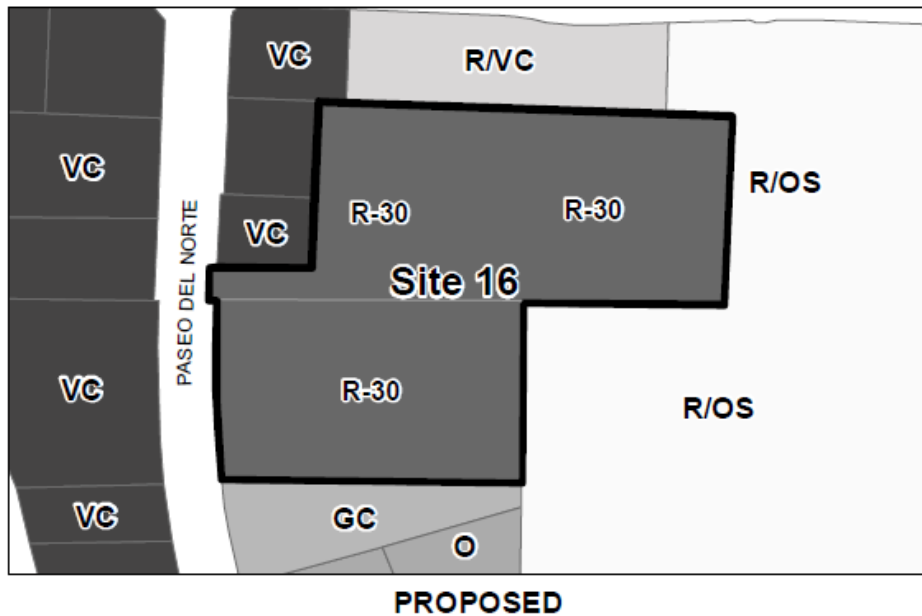
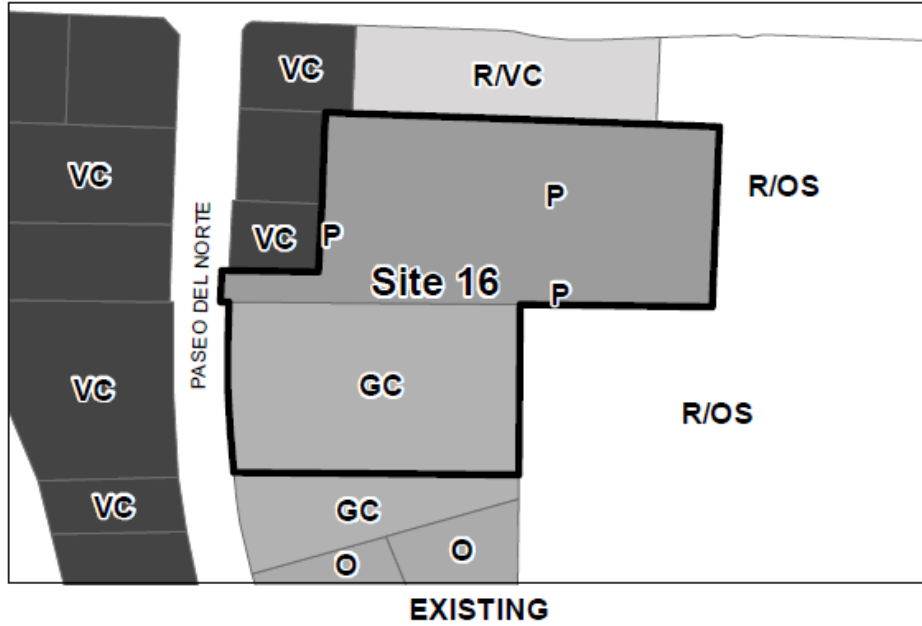
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 221-015-08-00	PI	R-35
B. 221-014-03-00	PI	R-35

Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 16 – CALTRANS MAINTENACE STATION AND PACIFIC SALES

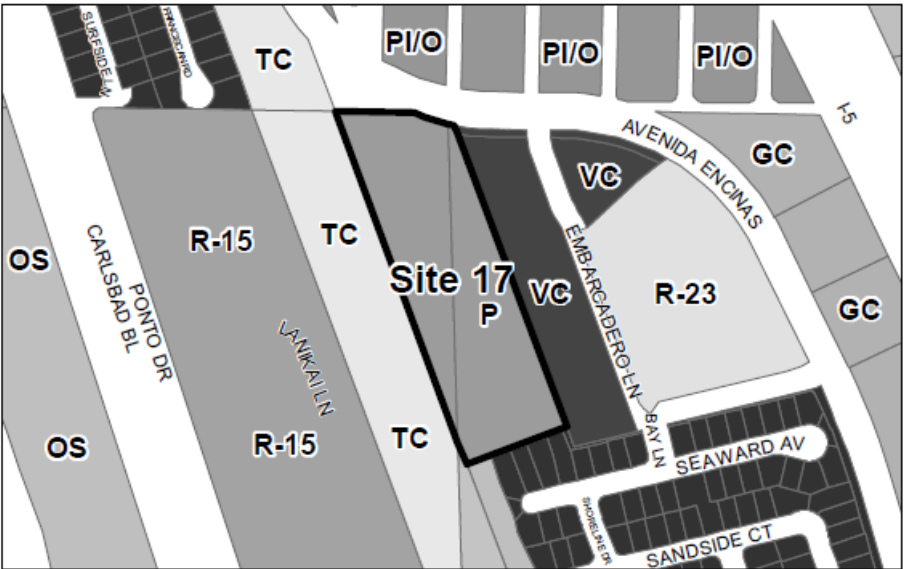


General Plan Map Designation Change		
Property APN	From:	To:
A. 211-050-08-00	P	R-30
B. 221-050-09-00	GC	R-30

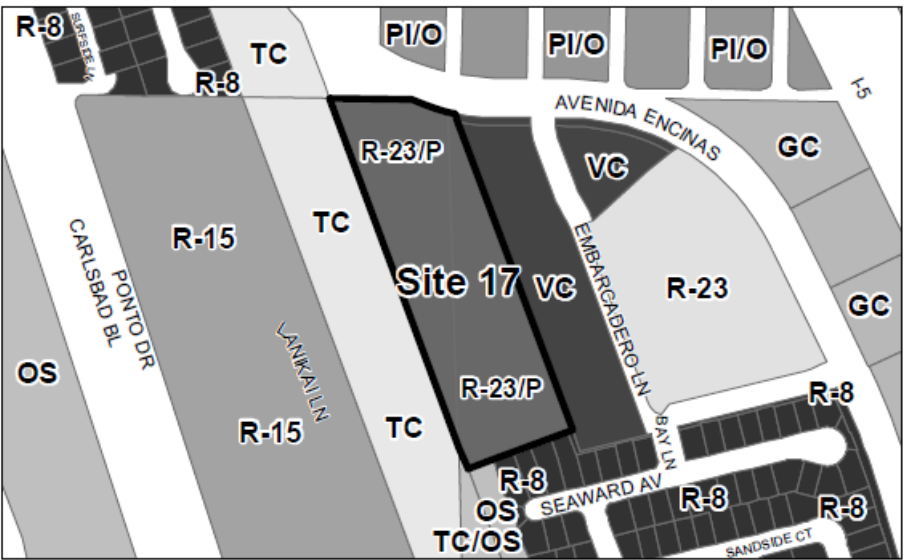
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 17 – NCTD POINTSETTIA COASTER STATION



EXISTING



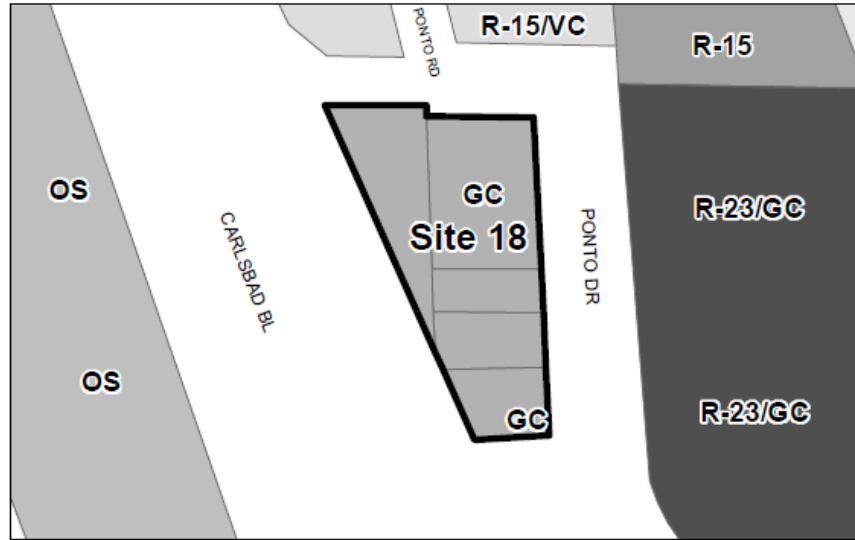
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 214-150-08-00	P	R-23/P
B. 214-150-20-00	P	R-23/P

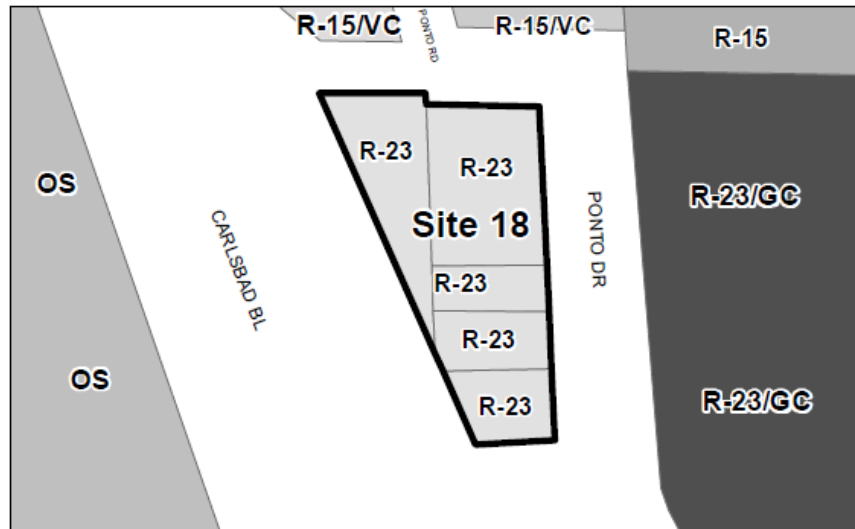
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 18 – NORTH PONTO PARCELS



EXISTING



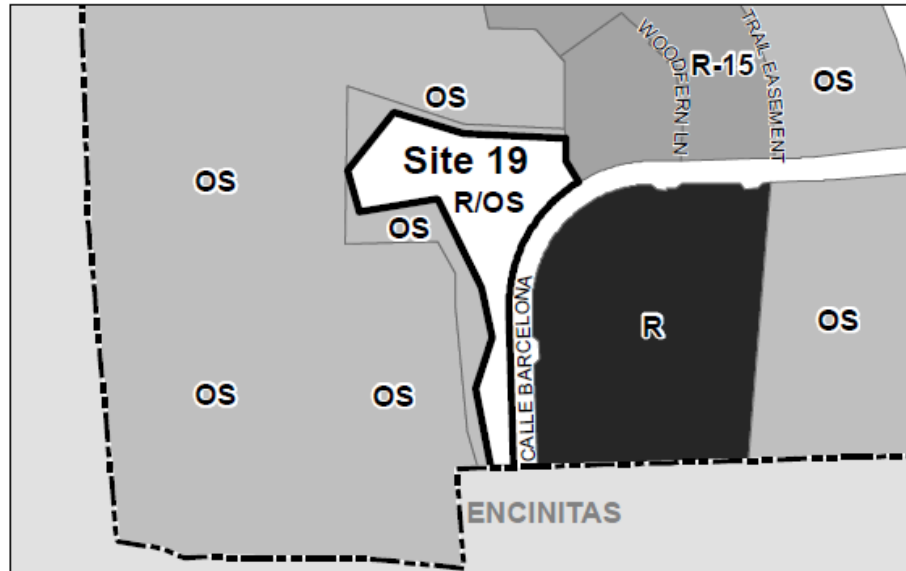
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 216-010-01-00	GC	R-23
B. 216-010-02-00	GC	R-23
C. 216-010-03-00	GC	R-23
D. 216-010-04-00	GC	R-23
E. 216-010-05-00	GC	R-23

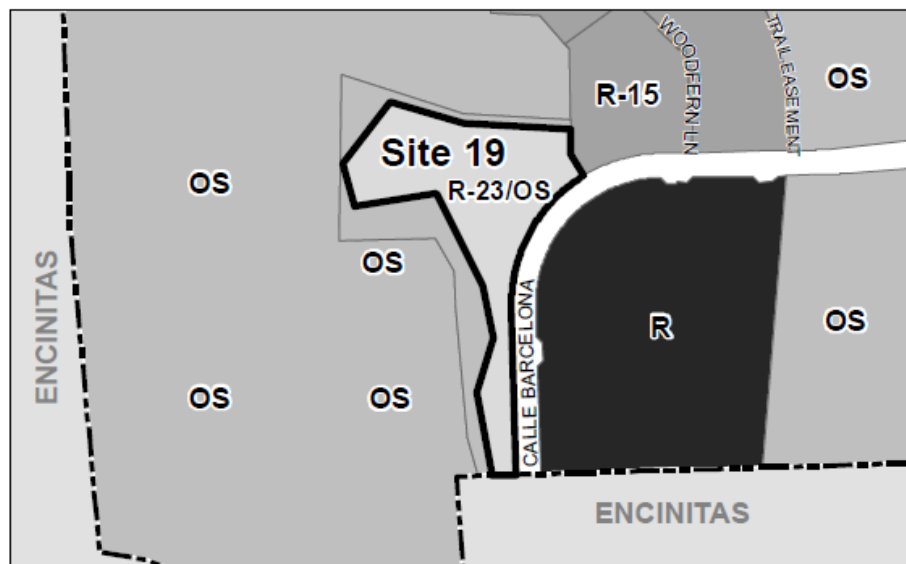
Exhibit “GPA 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 19 – LA COSTA GLEN/FORUM



EXISTING



PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 255-012-05-00	R/OS	R-23/OS

Attachment C

Public Safety Element

(on file in the Office of the City Clerk)

LCPA 2022-0015
HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE
LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT

Section B. 1. (3) (b) of the East Batiquitos Lagoon/Hunt Properties Segment of the Local Coastal Program land use plan is amended to read as follows:

- (b) Upland (approximately 240 acres) is designated for a combination of Residential (R-15 – 11.5-15 du/ac and R-23 – 19-23 du/ac), Regional Commercial (R), and Open Space uses. The maximum height of new development shall be limited to 35 feet consistent with the Carlsbad Municipal Code. Additionally, the intensity of development shall be compatible with the currently planned road capacities of La Costa Avenue and El Camino Real. Approval of these land uses shall not be considered precedent for increasing the road capacity of these two corridors. Development of the entire 280 acres of Green Valley shall be pursuant to a Master Plan which is consistent with the uses allowed by the Carlsbad General Plan.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AN AMENDMENT TO THE ZONING ORDINANCE AND ZONING MAP, TITLE 21 OF THE CARLSBAD MUNICIPAL CODE, TO IMPLEMENT PORTIONS OF OBJECTIVES B, C, AND D OF HOUSING ELEMENT PROGRAM 1.1 (PROVIDE ADEQUATE SITES TO ACCOMMODATE THE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)), AND OBJECTIVE B OF HOUSING ELEMENT PROGRAM 1.3 (ALTERNATIVE HOUSING) FOR MAP 2 (ALL SITES EXCLUDING SITES 3, 8 AND 15)

CASE NAME: HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE

CASE NO: ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 (PUB 2022-0010)

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

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

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

WHEREAS, to implement Housing Element Program 1.1 (Provide Adequate Sites to Accommodate RHNA), and specifically objectives 1.1 b., 1.1 c. and 1.1 d.; and to implement Housing Element Program 1.3 (Alternative Housing), and specifically objective 1.3 b., the City Planner has prepared amendments to the Zoning Ordinance and Zoning Map (Title 21 of the Carlsbad Municipal Code) and to the Local Coastal Program (ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015) pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, on October 18, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law to consider ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015; and

WHEREAS the Planning Commission adopted Planning Commission Resolutions 7498 and 7499 recommending to the City Council that ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015 be approved; and

WHEREAS, as required by state law, a six-week notice of availability was issued for LCPA 2022-0015 from October 13, 2023 to November 24, 2023, and no comments were received; and

WHEREAS, on December 7, 2023, the Airport Land Use Commission reviewed and found that the proposed Zone Code Amendment is conditionally consistent with the adopted McClellan-Palomar Airport Land Use Compatibility Plan; and

WHEREAS the City Council of the City of Carlsbad held a duly noticed public hearing as prescribed by law to consider ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors, including written public comments, if any, related to ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015.

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

1. The above recitations are true and correct.
2. That the findings of the Planning Commission in Planning Commission Resolution shall also constitute the findings of the City Council.
3. That Section 21.05.030 of the Carlsbad Municipal Code, being the Zoning Map, and the Local Coastal Program Zoning Map are amended as shown on the maps marked “Exhibit ZC 2022-0001/LCPA 2022-0015” dated October 18, 2023, attached hereto as Attachment A and made a part hereof.
4. That Ordinance CS-432 as adopted by the City Council on September 27, 2022, is pending Coastal Commission review and is incorporated into this ordinance.
5. That Section 21.16.010 A.1. of the Carlsbad Municipal Code is amended to read 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 R-15 (Residential 11.5-15 du/ac) and R-23 (Residential 19-23 du/ac) land use designations of the Carlsbad general plan; and
 6. That Section 21.18.010 A.1. of the Carlsbad Municipal Code is amended to read 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), R-15 (Residential 11.5-15 du/ac) and R-23 (Residential 19-23 du/ac) land use designations of the Carlsbad general plan;
 7. That Section 21.22.010 A. 1. of the Carlsbad Municipal Code is amended to read 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 R-23 (Residential 19-23 du/ac) land use designation of the Carlsbad general plan;
 8. That Section 21.24.010 A.1 of the Carlsbad Municipal Code is amended to read 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 R-8 (Residential 4-8 du/ac), R-15 (Residential 11.5-15 du/ac), R-23 (Residential 19-23 du/ac), R-30 (Residential 26.5-30 du/ac), R-35 (Residential 32.5-35 du/ac) and R-40 (Residential 37.5-40 du/ac) land use designations of the Carlsbad general plan; and
 9. That the following use listings from Table A of Section 21.24.020 of the Carlsbad Municipal Code are amended to read as follows:

Use	P	CUP	Acc
Dwelling, one-family (see notes 2, 3 and 7 below) (defined: Section 21.04.125)	X		
Dwelling, two-family (see note 7 below; defined: Section 21.04.130)	X		
Dwelling, multiple-family (see note 7 below; if the multiple-family dwelling is not subject to note 7, it shall be subject to Section 21.53.120 if more than 4 units are proposed; defined: Section 21.04.135)	X		

10. That the notes following Table A of Section 21.24.020 of the Carlsbad Municipal Code are amended to read as follows by the revision of note 3 and the addition of note 7.

Notes:

3. Within the R-15, R-23, and R-30 land use designations, one-family dwellings are permitted when developed as two or more detached units on one lot provided the minimum density of the designation can be attained. In the R-35 and R-40 land use designations, one family dwellings are not permitted. 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, unless the lot has been rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element, in which case it shall meet the minimum density of the designation. 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.
7. Housing developments that contain a minimum of 20 percent affordability to lower-income households as required by Government Code section 65583(c)(1) and 65583.2(h) and that are on specific sites rezoned by the City Council to meet RHNA requirements as detailed in the programs

of the Housing Element shall be permitted “by right” as that term is defined in Government Code Section 65583.2(h) and shall be subject to the mitigation measures of Supplemental Environmental Impact Report EIR 2022-0007, certified by City Council Resolution 202X-XXX.

11. That Section 21.24.030 of the Carlsbad Municipal Code is amended to read as follows:

21.24.030 Building Height

No building shall exceed a height of thirty-five feet. When the RD-M zone implements the R-35 and R-40 land use designations, no building shall exceed a height of forty-five feet. In all designations RD-M implements, protrusions may exceed the maximum heights permitted as described in Section 21.46.020.

12. That Section 21.24.040 of the Carlsbad Municipal Code is amended to read as follows:

21.24.040 Front yard.

Every lot shall have a front yard of not less than ten feet in depth. However, a front yard of not less than twenty feet in depth shall be provided to carport or garage openings that face onto the front yard.

13. That Section 21.24.050 of the Carlsbad Municipal Code is amended to read as follows:

21.24.050 Side yard.

A. Every lot shall have a side yard as follows:

1. Interior lots shall have a side yard on each side of the lot of not less than five feet in width;
2. Corner lots and reversed corner lots shall have side yards as follows:
 - a. On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot, and
 - b. On any side of a lot which is adjacent to a street, the side yard shall be ten feet.

14. That Section 21.24.080 of the Carlsbad Municipal Code is amended to read as follows:

21.24.080 Yards—Structures over thirty-five feet in height.

The above specified yard requirements apply only to those structures up to a height of thirty-five feet and to those structures when the RD-M Zone implements the R-35 and R-40 land use designations. For any other structure which has had its height increased by approval of a specific plan, the yards shall be increased at a ratio of one and one-half additional foot horizontally, for each eight feet of vertical construction. (Ord. NS-718 § 14, 2004)

15. That Section 21.24.100 B. of the Carlsbad Municipal Code is amended to read as follows:

21.24.100 Lot area.

- B. The minimum lot area of a lot in the RD-M zone, when the zone implements the R-15, or R-23, R-30, R-35 or R-40 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. (Ord. NS-718 § 14, 2004)

16. That Section 21.24.110 of the Carlsbad Municipal Code is amended to read as follows:

21.24.110 Lot coverage.

All buildings, including accessory buildings and structures, shall cover no more of the lot than sixty percent. In the R-35 and R-40 land use designations, all buildings, including accessory buildings and structures, shall cover no more than seventy-five percent of the lot.

17. That Table A of Section 21.45.040 of the Carlsbad Municipal Code is amended to reflect the renumbering of notes in Table A and in the note list following the table due to the addition of note 5:

Zone	Residential Use	
	One-Family Dwelling or Twin-Home on Small Lots (one unit per lot)	Condominium Project
R-1	(1) or (4)	One-family dwellings - (3) or (4)
		Two-family dwellings - (1) or (4)
		Multiple-family dwellings - (4)
R-2	P	One-family or two-family dwellings - P
		Multiple-family dwellings - (2) or (4)
R-3	P	P
RD-M	P(5)	P
R-W	X	P
R-P	(6)	(7)
RMHP	P	P
P-C	(8)	(8)
V-B	(9)	(9)
Accessory Uses	(10)	(10)

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) One-family dwellings or twin-homes on small lots (one unit per lot) are not permitted in the RD-M Zone when it implements the R-35 or R-40 land use designation.
- (6) Permitted when the R-P zone implements the R-15 land use designation.
- (7) Permitted when the R-P zone implements the R-15 or R-23 land use designations.
- (8) Permitted uses shall be consistent with the master plan.
- (9) Refer to the Village and Barrio master plan for permitted uses.
- (10) Refer to Table F for permitted accessory uses.

18. That the text in reference number rows “C.9” and “C.12” of Table C of Section 21.45.060 of the Carlsbad Municipal Code is amended to reflect the updated General Plan designations:

REF. NO.	SUBJECT	DEVELOPMENT STANDARD		
C.9	Community Recreational Space ⁽¹⁾	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 R-23, R-30, R-35 or R-40 general plan designations	200 square feet per unit
			Project IS within R-23, R-30, R-35 or R-40 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.	
C.12	Recreational Vehicle (RV) Storage ⁽¹⁾	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 R-15, R-23, R-30, R-35 or R-40 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.

19. That the text in reference number rows “E.4,” “E.5,” “E.7,” and “E.8” of Table E of Section 21.45.080 of the Carlsbad Municipal Code is amended to reflect the updated General Plan designations:

REF. NO.	SUBJECT	DEVELOPMENT STANDARD		
E.4	Maximum Building Height	Same as required by the underlying zone, and not to exceed three stories ^{(1), (7)}		
		Projects within the R-23 and R-30 general plan designations ^{(1), (7)}	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		
		Projects within the R-35 and R-40 designations ⁽⁷⁾	45 feet, if roof pitch is 3:12 or greater	
			40 feet, if roof pitch is less than 3:12	
E.5	Minimum Building Setbacks	From a private or public street ^{(2), (3)}	Residential structure	10 feet
			Direct entry garage	20 feet
		From a drive-aisle ⁽⁴⁾	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 R-15, R-23, R-30, R-35, and R-40 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"> • Setbacks from property lines • Building separation • Fire and Engineering Department requirements
		From the perimeter property lines of the project site (not adjacent to a public/private street)	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.	
E.7	Resident Parking ⁽⁶⁾	All dwelling types	If a project is located within the R-23, R-30, R-35 or R-40 general plan designations, resident parking shall be provided as specified below, and may also be provided as follows: <ul style="list-style-type: none"> • 25% of the units in the project may include a tandem two-car garage (minimum 12 feet × 40 feet). • Calculations for this provision resulting in a fractional unit may be rounded up to the next whole number. 	
		One-family and two-family dwellings	2 spaces per unit, provided as either: <ul style="list-style-type: none"> • a two-car garage (minimum 20 feet × 20 feet), or • 2 separate one-car garages (minimum 12 feet × 20 feet each) • In the R-W Zone, the 2 required parking spaces may be provided as 1 covered space and 1 uncovered space⁽⁵⁾ 	
		Multiple-family dwellings	Studio and one-bedroom units	1.5 spaces per unit, 1 of which must be covered ⁽⁵⁾

				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.	
			Units with two or more bedrooms	2 spaces per unit, provided as either: <ul style="list-style-type: none">• a one-car garage (12 feet × 20 feet) and 1 covered or uncovered space; or⁽⁵⁾• a two-car garage (minimum 20 feet × 20 feet), or• 2 separate one-car garages (minimum 12 feet × 20 feet each)• 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⁽⁵⁾	
			Required parking may be provided within an enclosed parking garage with multiple, open parking spaces, subject to the following: <ul style="list-style-type: none">• Each parking space shall maintain a standard stall size of 8.5 feet by 20 feet, exclusive of supporting columns; and• 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.		
			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.		
		One-family and two-family dwellings	Minimum total area per unit	Projects not within the R-15, R-23, or R-30 general plan designations	400 square feet

				Projects within the R-15, R-23 or R-30 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 R-15, R-23 or R-30 general plan designations	15 feet
					Within the R-15, R-23 or R-30 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:		
				• 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).		
				• The length of the projection shall not be limited, except as required by any setback or lot coverage standards.		
				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 R-23, R-30, R-35, and R-40 general plan designations 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.	

20. That Section 21.90.045 of the Carlsbad Municipal Code is amended to reflect the addition of text describing growth management control points and that the table titled “Allowed Dwelling Units Per Acre” within Section 21.90.045 is amended with updates to the General Plan Density Ranges:

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.

These growth management control points help the city reasonably estimate potential dwelling unit yields for purposes of determining the future public facility needs of new development.

Allowed Dwelling Units Per Acre

General Plan Density Ranges	Growth Management Control Point
R 1.5 0—1.5	1.0
R-4 0—4.0	3.2
R-8 4.0—8.0	6.0
R-15 11.5—15.0	11.5
R-23 19.0—23.0	19.0
R-30 26.5—30.0	26.5
R-35 32.5—35	32.5
R-40 37.5—40	37.5

21. That new Section 21.90.200 of the Carlsbad Municipal Code, is added to read as follows:

21.90.200 State law preemption

Notwithstanding above sections to the contrary, including but not necessarily limited to sections 21.90.010, 21.90.045, 21.90.180, and 21.90.185, state legislation (SB 166, and SB 330, the Housing

Crisis Act of 2019) preempt the city from implementing residential growth management plan caps, residential quadrant limits and residential control points. As a result, the City Council passed Resolution 2021-074 finding that it cannot and will not enforce these residential caps, quadrant limits, and control points.

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 2022-0015, 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 day of _____, 2024, and thereafter

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CINDIE K. McMAHON, City Attorney

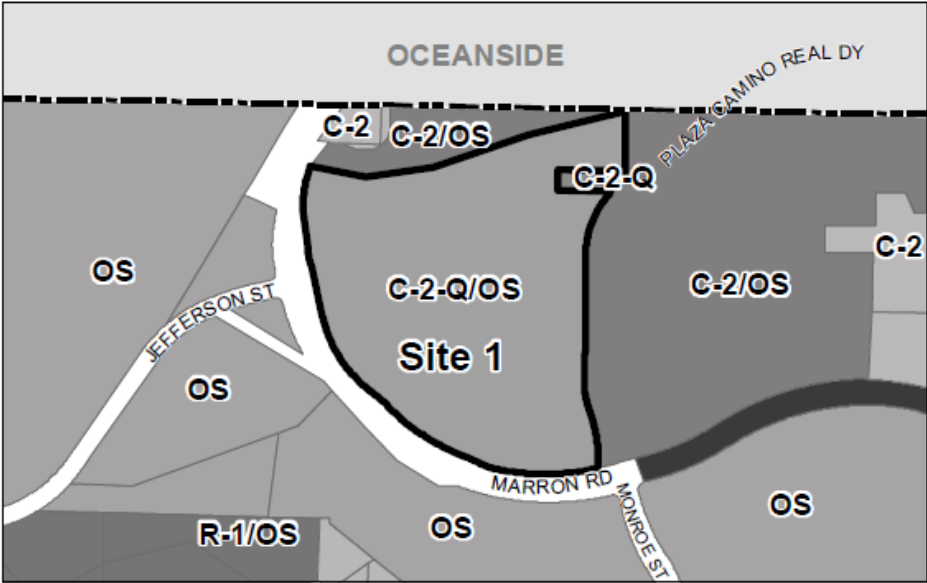
KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

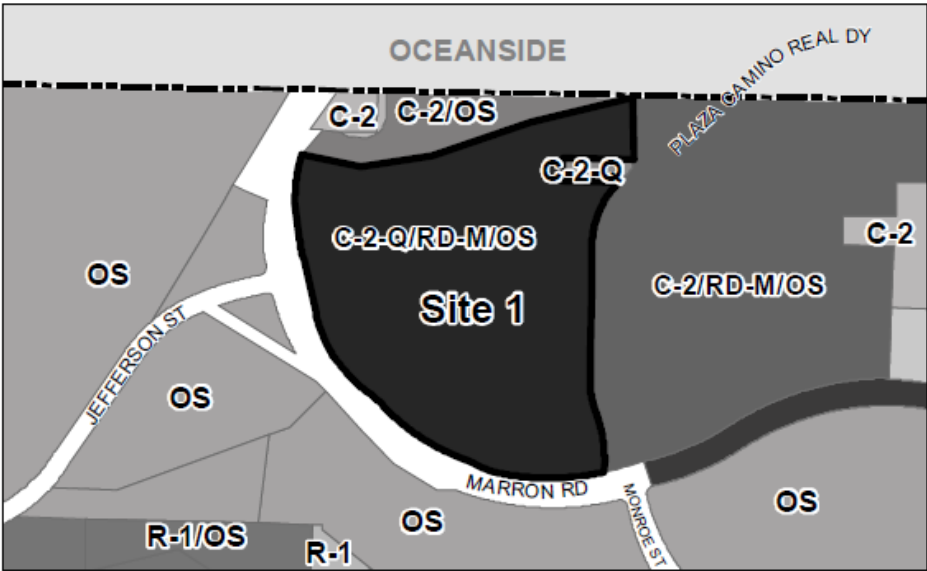
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 1 – NORTH COUNTY PLAZA



EXISTING



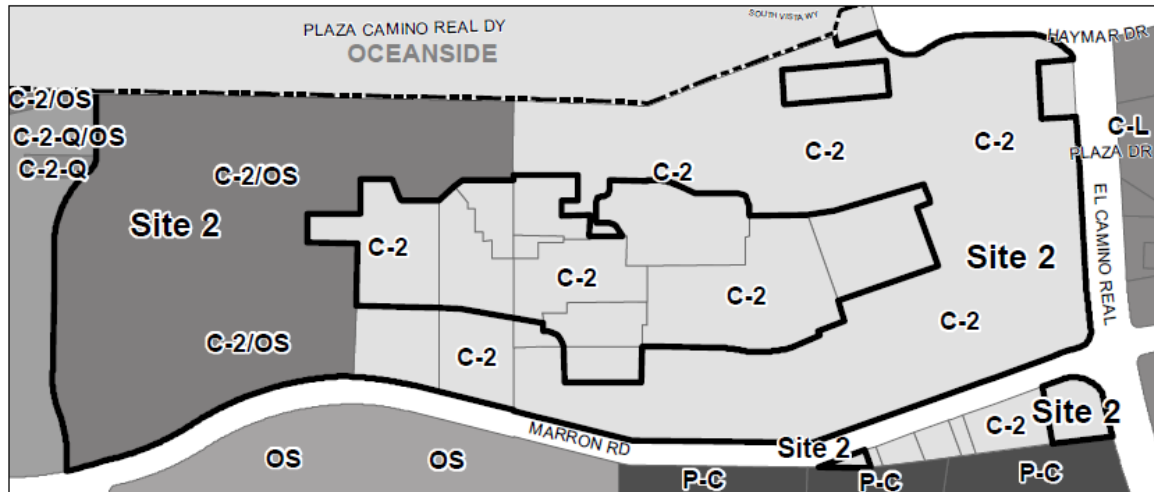
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 156-301-16-00	C-2-Q/OS	C-2-Q/RD-M/OS

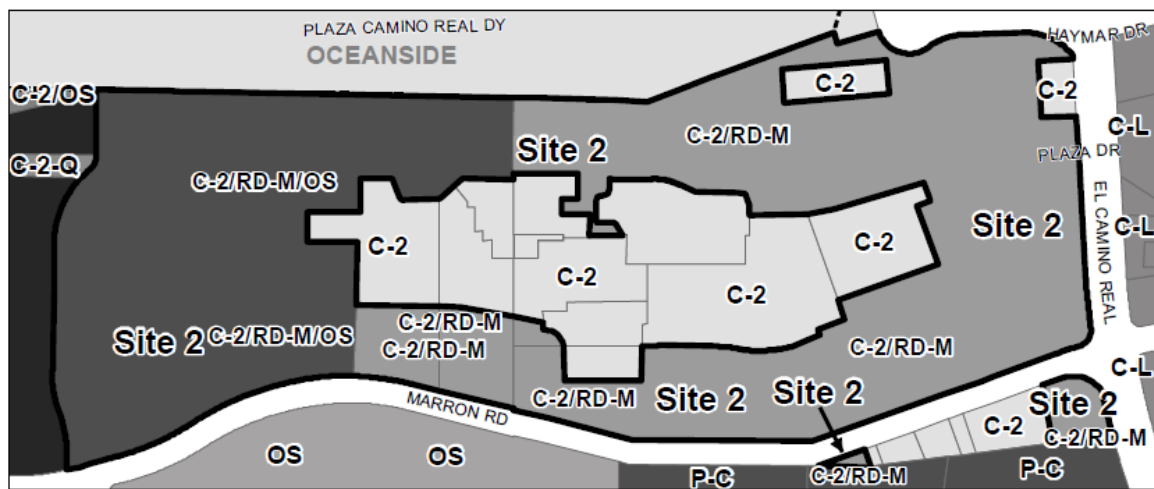
Exhibit “ZC 2022-0001”

October 18, 2023

Site 2 – THE SHOPPES AT CARLSBAD PARKING LOT



EXISTING

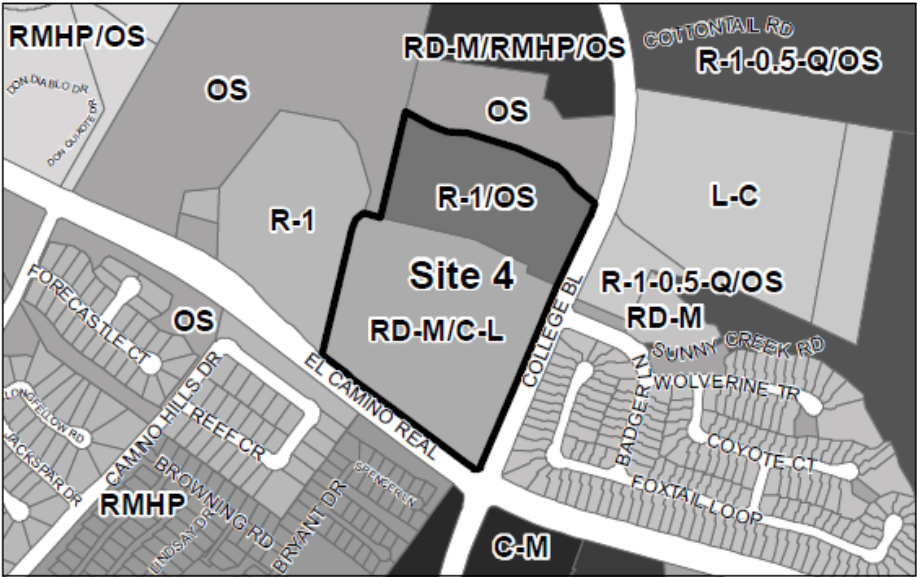
**PROPOSED**

Zoning Map Designation Change		
Property APN	From:	To:
A. 156-301-11-00	C-2/OS	C-2/RD-M/OS
B. 156-302-14-00	C-2	C-2/RD-M
C. 156-302-35-00	C-2	C-2/RD-M
D. 156-301-06-00	C-2	C-2/RD-M
E. 156-301-01-00	C-2	C-2/RD-M
F. 156-302-23-00	C-2	C-2/RD-M
G. 156-302-17-00	C-2	C-2/RD-M

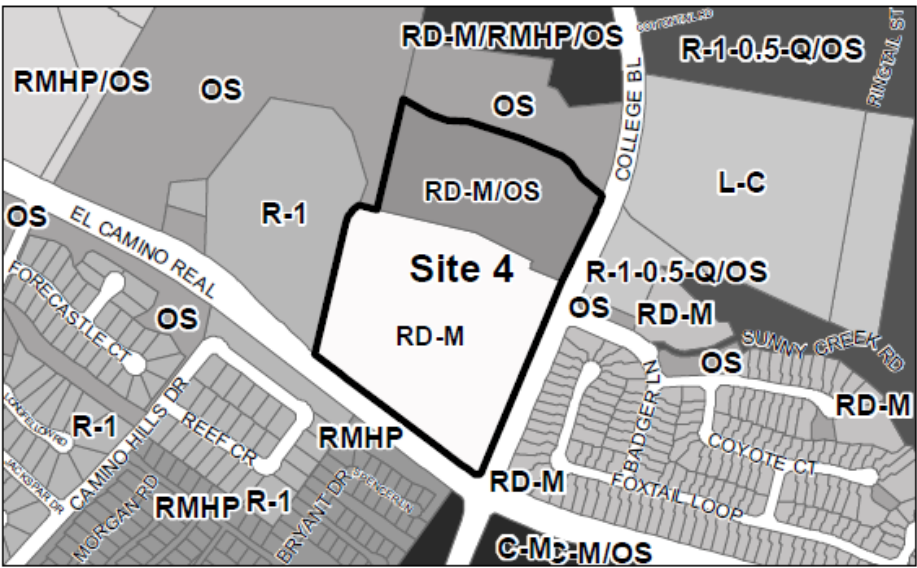
Exhibit “ZC 2022-0001”

October 18, 2023

Site 4 – ZONE 15 CLUSTER



EXISTING



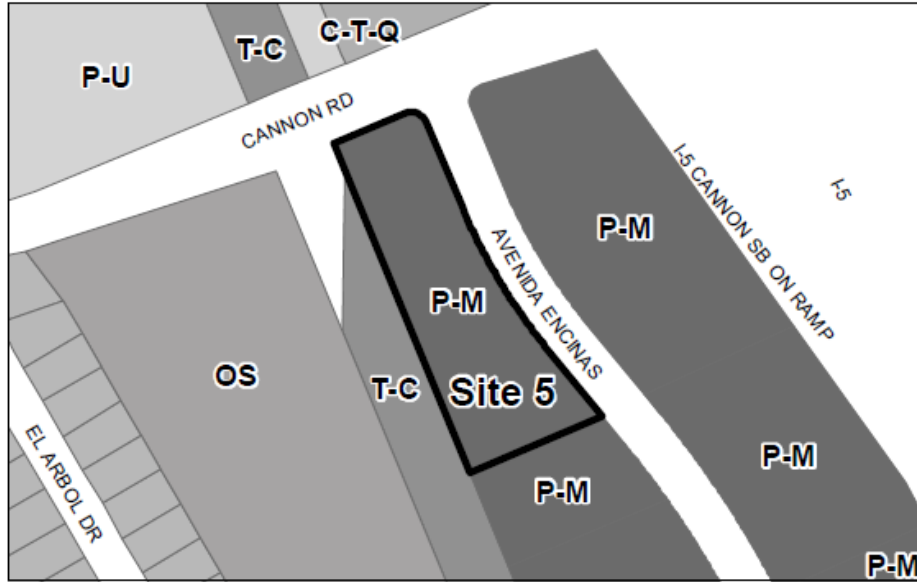
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 209-060-72-00	R-1/OS	RD-M/OS
B. 209-090-11-00	RD-M/C-L	RD-M

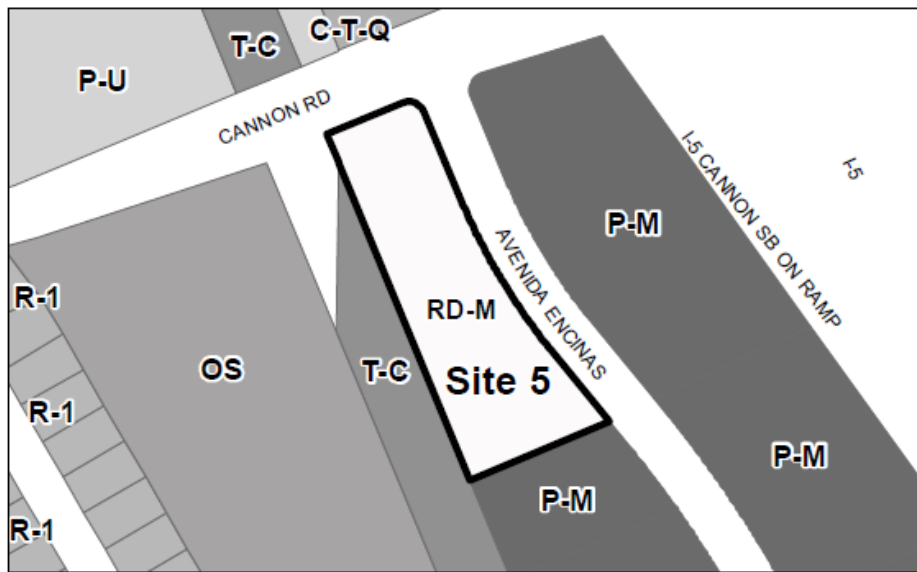
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 5 – AVENIDA ENCINAS CAR STORAGE LOT



EXISTING



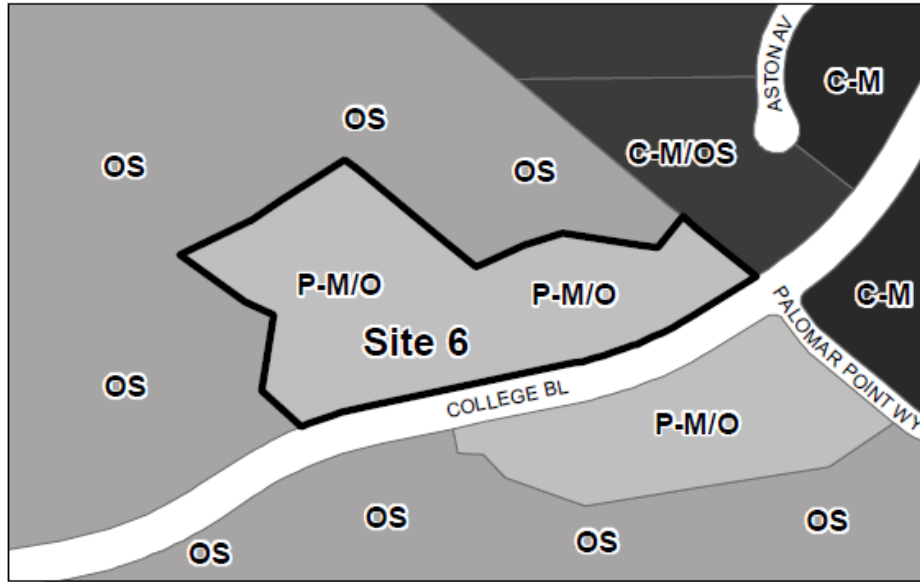
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 210-090-24-00	P-M	RD-M

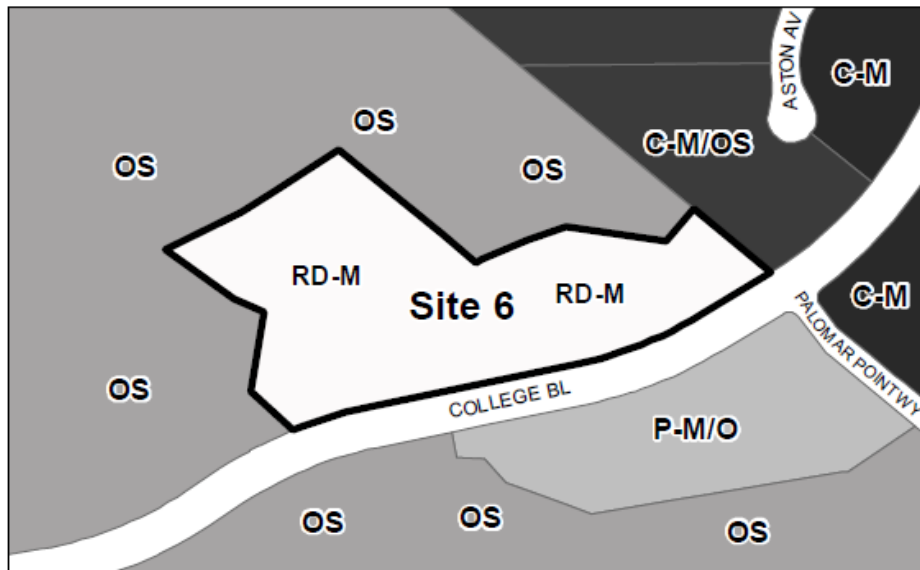
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 6 – CROSSINGS GOLF COURSE LOT 5



EXISTING



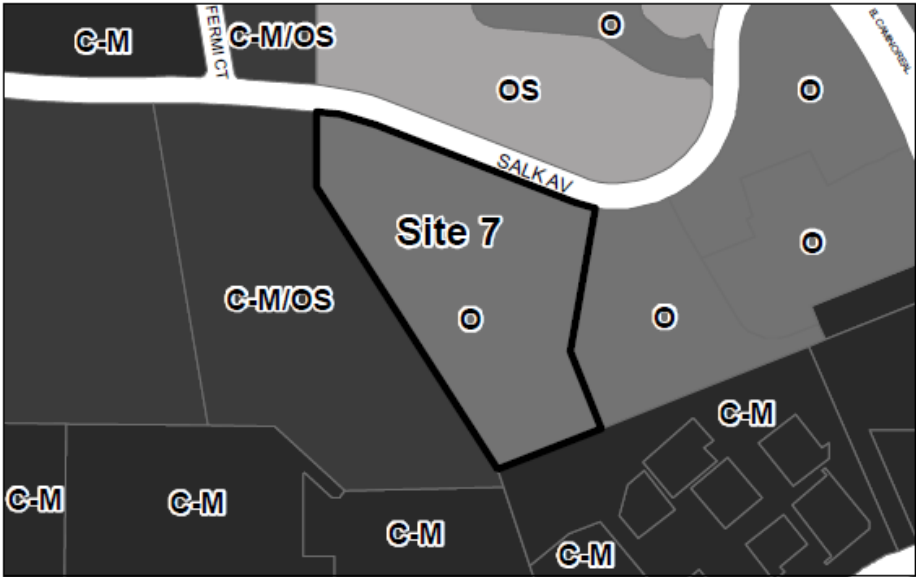
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 212-270-05-00	P-M/O	RD-M

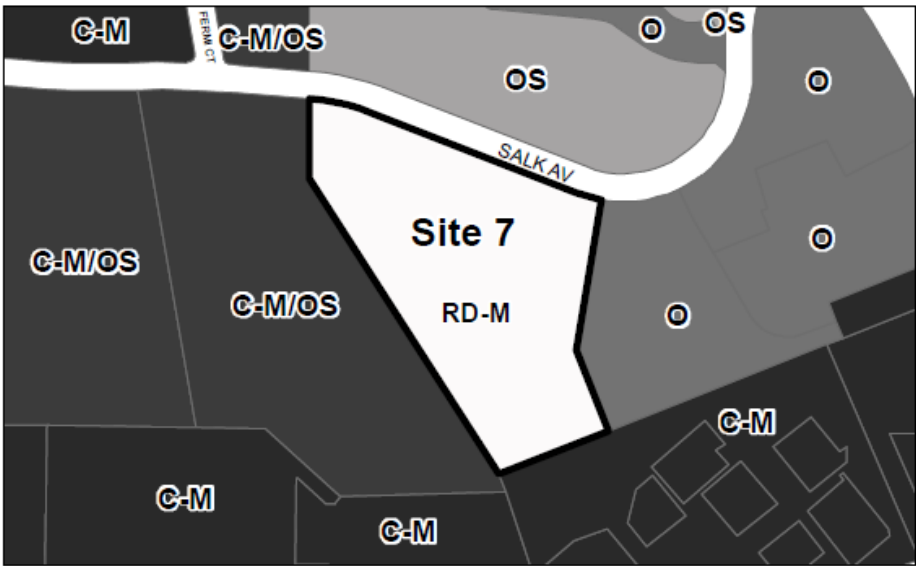
Exhibit “ZC 2022-0001”

October 18, 2023

Site 7 – SALK AVENUE PARCEL



EXISTING



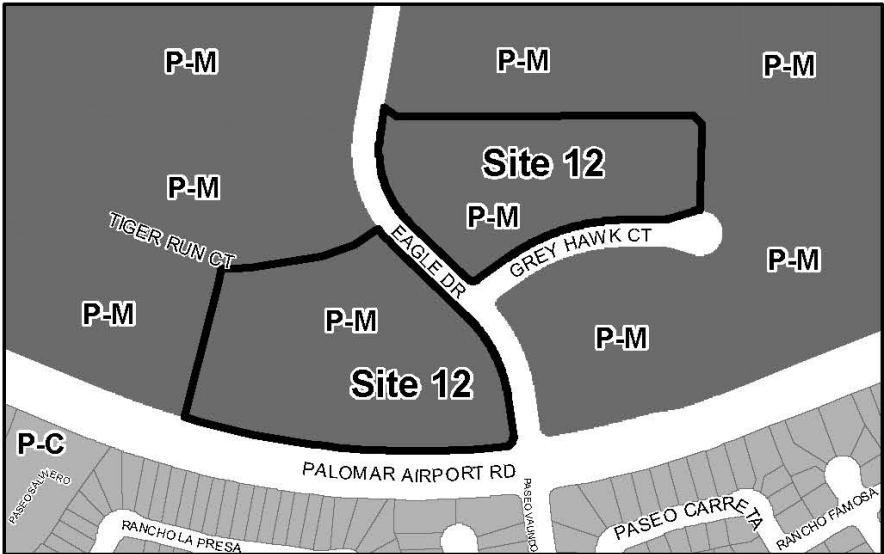
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 212-021-04-00	O	RD-M

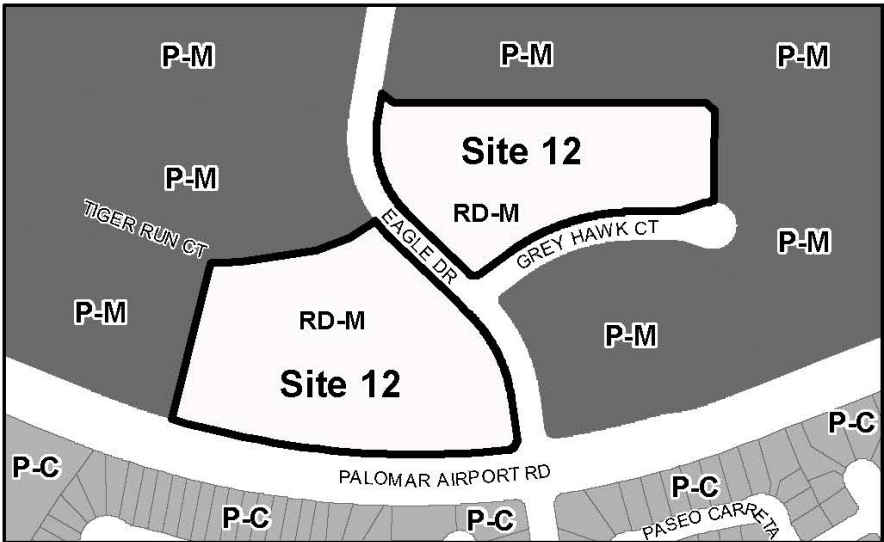
Exhibit “ZC 2022-0001”

October 18, 2023

Site 12 – INDUSTRIAL SITES EAST OF MELROSE DRIVE



EXISTING



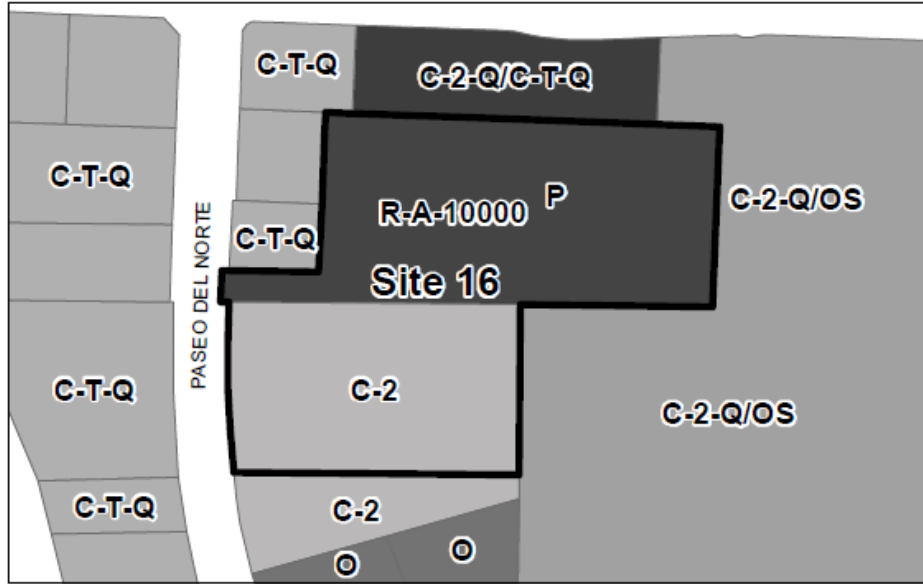
PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 221-015-08-00	P-M	RD-M
B. 221-014-03-00	P-M	RD-M

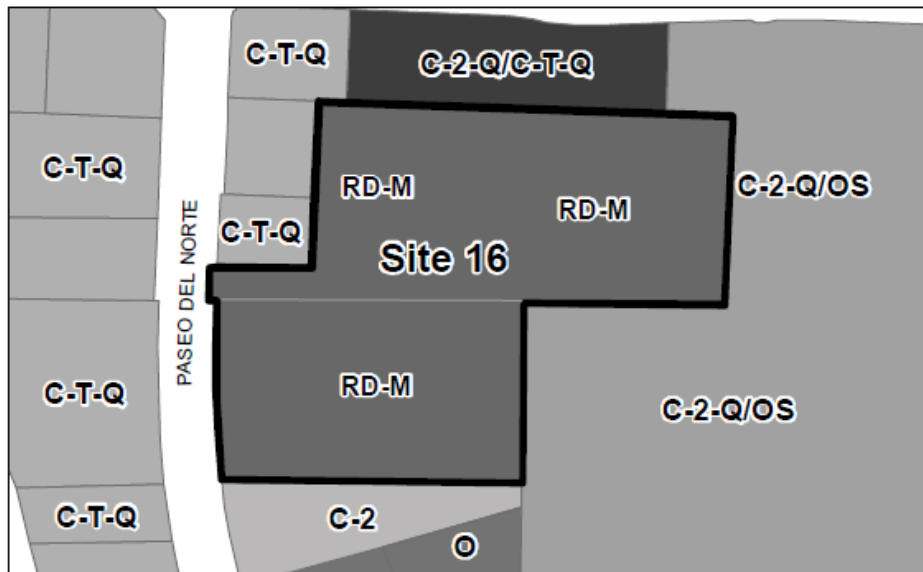
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 16 – CALTRANS MAINTENANCE STATION AND PACIFIC SALES



EXISTING



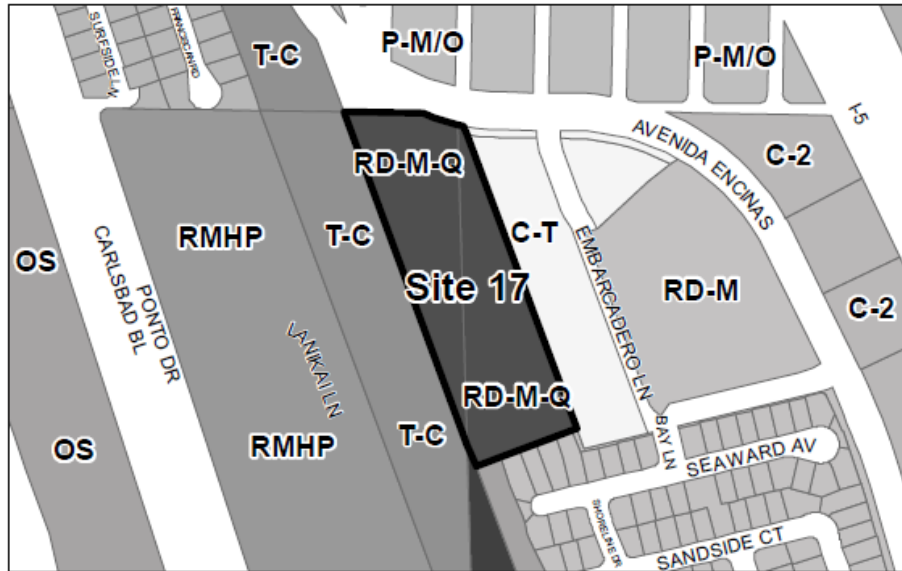
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 211-050-08-00	R-A-10000	RD-M
B. 221-050-09-00	C-2	RD-M

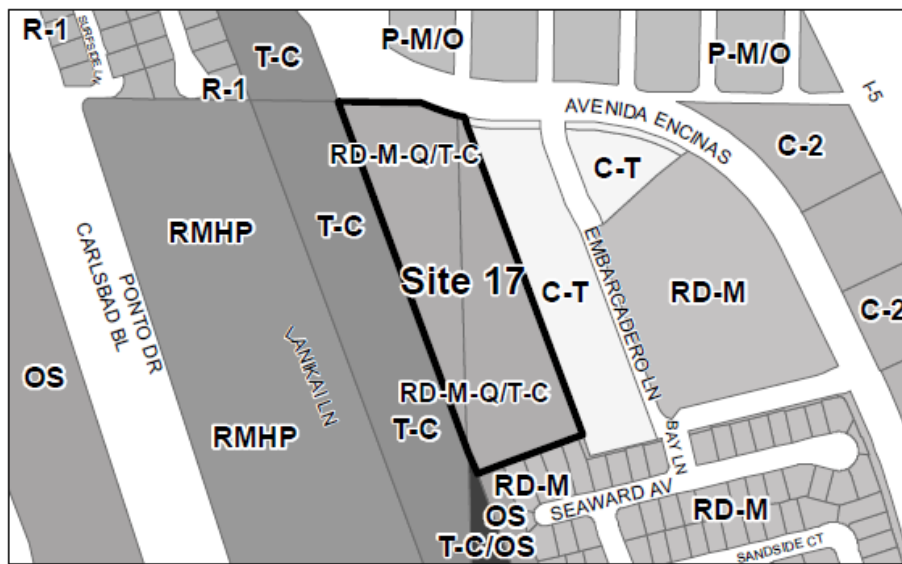
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 17 – NCTD POINTSETTIA COASTER STATION



EXISTING



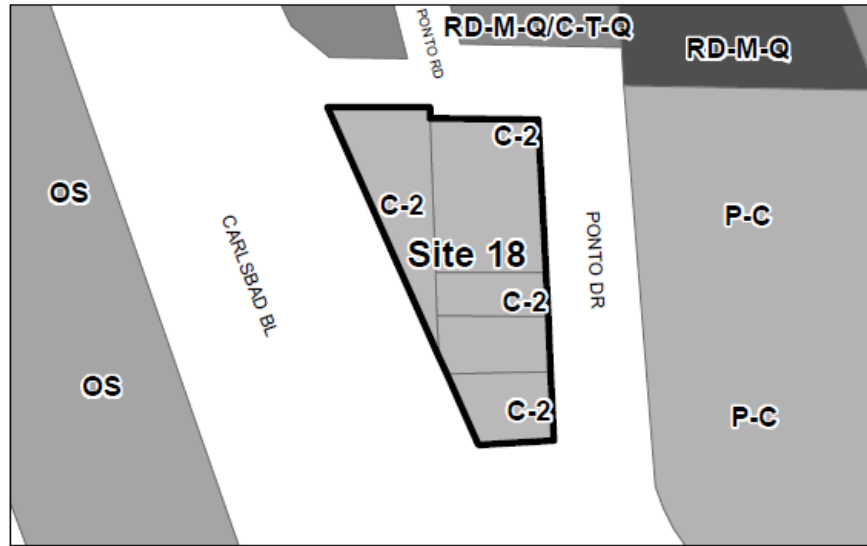
PROPOSED

Zoning Map Designation Change		
Property APN	From:	To:
A. 214-150-08-00	RD-M-Q	RD-M-Q/T-C-Q
B. 214-150-20-00	RD-M-Q	RD-M-Q/T-C-Q

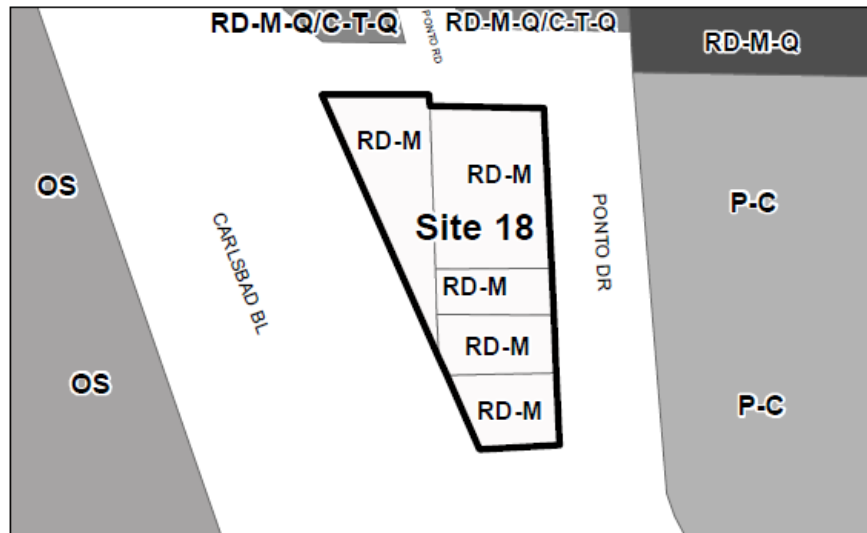
Exhibit “ZC 2022-0001/LCPA 2022-0015”

October 18, 2023

Site 18 – NORTH PONTO PARCELS



EXISTING



PROPOSED

General Plan Map Designation Change		
Property APN	From:	To:
A. 216-010-01-00	C-2	RD-M
B. 216-010-02-00	C-2	RD-M
C. 216-010-03-00	C-2	RD-M
D. 216-010-04-00	C-2	RD-M
E. 216-010-05-00	C-2	RD-M

City Council Staff Report Dated Aug. 17, 2021
(on file in the Office of the City Clerk)

City Council Staff Report Dated Feb. 15, 2022
(on file in the Office of the City Clerk)

Exhibit 10

[Planning Commission Resolution No. 7497](#)
(on file in the Office of the City Clerk)

Exhibit 11

Planning Commission Resolution No. 7498
(on file in the Office of the City Clerk)

Exhibit 12

Planning Commission Resolution No. 7499
(on file in the Office of the City Clerk)

Exhibit 13

[Housing Commission Resolution No. 2023-012](#)
(on file in the Office of the City Clerk)

Exhibit 14

Planning Commission Staff Report Dated Oct. 18, 2023
(on file in the Office of the City Clerk)



PLANNING COMMISSION

Minutes

Oct. 18, 2023, 5 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

CALL TO ORDER: 5 p.m.

ROLL CALL: Hubinger, Kamenjarin, Lafferty, Sabellico, Sabellico, Merz.
Absent: Merz, Stine.

PLEDGE OF ALLEGIANCE: Commissioner Sabellico led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held on Sept. 20, 2023

Minutes of the Regular Meeting held on Oct. 4, 2023

Motion by Commissioner Sabellico, seconded by Commissioner Kamenjarin, the Regular Meeting held on Sept. 20, 2023. Motion carried, 5/0/2 (Stine, Meenes – Absent)

Motion by Commissioner Kamenjarin, seconded by Commissioner Hubinger, to approve the minutes as amended of the Regular Meeting held on Oct 4, 2023. Motion carried, 5/0/2 (Stine, Meenes – Absent)

PRESENTATIONS: None.

PUBLIC COMMENT: None.

CONSENT CALENDAR: None.

1. **EIR 2022-0007 (PUB 2022-0010) HOUSING ELEMENT IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE** – 1) Adoption of a resolution recommending certification of the final supplemental environmental impact report (EIR 2022-0007) and recommending adoption of findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program for amendments to the general plan land use and community design element (including the land use map), public safety element, and associated amendments to the zoning ordinance, zoning map, local coastal program, and various master and specific plans: and
 - 2) Adoption of a resolution recommending approval of amendments to the general plan land use and community design element, including the land use map; and the zoning map regarding Site 4; and
 - 3) Adoption of a resolution recommending approval of amendments to the General Plan Land Use and Community Design Element, including the Land Use Map, Ordinance and Zoning Map, the Local Coastal Program Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan.

ACTION TYPE: Quasi-Judicial

STAFF RECOMMENDATION: Take public input, close the public hearing and adopt the resolutions.

PLANNER: Scott Donnell

ENGINEER: n/a

PUBLIC HEARING:

Chairperson Merz reviewed the modified procedures of the meeting.

Chairperson Merz opened the duly noticed public hearing at 5:11 p.m.

Commissioner Stine arrived at 5:20 p.m.

City Planner, Eric Lardy and Principal Planner, Robert Efird provided a PowerPoint presentation regarding Exhibit 1, the Supplemental Environmental Impact Report (on file in the Office of the City Clerk).

Chairperson Merz opened the public testimony at 5:23 p.m.

The following individuals spoke in support of the staff's recommendation regarding Item 1: Robert Davis, Jennifer Fornal, Bill Hoffman, Saahil Khandwala, Lori Robbins.

The following individuals spoke in opposition of the staff's recommendation regarding Item 1: Laura Brown, Tom Frieder, Howard Krausz, Jamie Augustine, Joanne Talbot.

The following individual spoke and did not support or oppose staff's recommendation regarding Item 1: Chris Barnes.

In response to Chair Merz' request for ex parte, Commissioner Kamenjarin and Hubinger expressed they have been to and are familiar with the sites. Commissioner Lafferty indicated that she is familiar with most of the sites and reviewed the properties on Google Maps. Commissioner Sabellico added that he is familiar with sites or seen them on Google Maps; and he has spoken with resident Lance Schulte regarding site 18. Chair Merz noted he is familiar with the sites.

Commissioners Stine and Sabellico recused themselves due to real estate related conflicts of interest and left the room at 5:52 p.m.

Hearing no one else wishing to speak, Chairperson Merz closed the public testimony at 5:53 p.m.

In response to Commissioner Hubinger's question, City Planner Lardy explained that the impact of railroad noise on the project is not required to be considered under CEQA so it was not reviewed in regard to noise. Mr. Lardy added that the city's consultants, Rincon Consultants would be available for further comment.

In response to Commissioner Kamenjarin's inquiry regarding air quality, Rincon Consultant Karly Kaufman, explained that as a program level environmental document, specific level of impact cannot be determined until the building plans are in place and then mitigation measures will be applied as necessary.

In response to Commissioner Lafferty's inquiry, City Planner Lardy explained that even if one site builds more inclusionary housing than is required; it will not affect the requirements for other properties or developments.

In response to Commissioner Lafferty's inquiry, Rincon Consultant Karly Kaufman explained that developers will have to review building sites that are over 45 years old to determine if a structure is eligible to be listed on a historical resources data base and appropriate action would be taken once said determination is made. City Planner Lardy added that a majority of the sites for this project are vacant or underutilized and staff is not aware of any structures on any of the sites that are historic.

Motion by Chairperson Merz seconded by Commissioner Lafferty, to adopt Resolution No. 7497. Motion carried, 4/2/1. (Sabellico, Stine - Recused, Meenes - Absent)

Chair Merz called for a recess at 6:25 p.m.

Chair Merz reconvened the meeting at 6:36 p.m.

Commissioner Stine rejoined the Commission at 6:36 p.m.

City Planner Eric Lardy and Principal Planner Robert Efird provided a PowerPoint presentation regarding Exhibit 3, Map 1. (on file in the Office of the City Clerk).

Motion by Chairperson Merz seconded by Commissioner Stein, to adopt Resolution No. 7498. Motion carried, (5/0/1/1). (Sabellico - Recused; Meenes- Absent)

Commissioner Sabellico rejoined the Commission at 7:09 p.m.

In response to Chair Merz' request for ex parte, Commissioner Stine indicated that that he has walked Site Number 4 and is familiar with it.

City Planner Eric Lardy and Principal Planner, Robert Efird reviewed a PowerPoint presentation regarding Exhibit 3, Map 1. (on file in the Office of the City Clerk).

In response to Commissioner Hubinger's inquiry, City Planner Lardy clarified that what is changing for the sites is the land use designation and the zoning ordinance to allow for capacity. City Planner Lardy added that Map 1 gives the city the most flexibility due to the greater number of housing sites on it.

In response to Commissioner Stine's inquiry regarding the public's traffic concerns, Associate Engineer, Nick Gorman, explained that traffic studies will be done at the time of the development application. Principal Planner, Robert Efird, added that the Planning division worked with Public Works to conduct traffic analysis for the project as a whole and they found that arterial levels of service will remain acceptable, where not exempted, if these additional units are added.

Commissioner Kamenjarin explained that he feels that the housing unit quantities on Map 2 provide more of a buffer for the city and will provide more flexibility than Map 1.

Motion by Chairperson Merz seconded by Commissioner Lafferty, to adopt Resolution No. 7499. Motion carried, (5/1/1) (Kamenjarin - No; Meenes - Absent)

Chairperson Merz closed the duly noticed public hearing at 7:46 p.m.

DEPARTMENTAL REPORTS:

None.

PLANNING COMMISSION MEMBER REPORTS/COMMENTS:

Commissioner Lafferty reported that the next Historic Preservation Committee meeting will be on Nov. 13, 2023.

CITY PLANNER REPORTS:

City Planner Lardy reported Nov. 1, 2023 Planning Commission Meeting will likely be canceled because it is being reserved for the Housing Element. City Planner Lardy added that the subsequent Planning Commission meeting on Nov. 15, 2023 will continue as planned with two agenda items on the agenda.

CITY ATTORNEY REPORT:

None.

STAFF COMMENTS:

None.

ADJOURNMENT: Chairperson Merz adjourned the meeting at 7:50 p.m.


Cynthia Vigeland
Administrative Secretary

Exhibit 16

[Housing Commission Staff Report Dated Dec. 14, 2023](#)
(on file in the Office of the City Clerk)



HOUSING COMMISSION

Minutes

Regular Meeting
Dec. 14, 2023, 5 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

CALL TO ORDER: 5 p.m.

ROLL CALL: Ydigoras, Horton, Collins, Chang, Berger.

PLEDGE OF ALLEGIANCE: Director Mills led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held on Oct. 12, 2023

Motion by Commissioner Chang, seconded by Commissioner Collins, to approve the minutes as presented. Motion carried unanimously, 5/0.

PUBLIC COMMENT: None.

DEPARTMENTAL REPORTS:

1. **2024 MEETING SCHEDULE:** Adopt a resolution establishing the 2024 Housing Commission meeting schedule. (Staff contact: Mandy Mills, Housing & Homeless Services Department)

Recommended Action: Adopt the resolution.

Commissioners discussed availability and time preferences.

Motion by Commissioner Ydigoras, seconded by Commissioner Berger, to amend the resolution to start meetings at 4 p.m in January, February, November and December with the remaining meetings at 5 p.m. Motion carried, 3/1/1 (Collins – No, Horton – Abstained).

Motion by Commissioner Ydigoras, seconded by Commissioner Collins, to amend the approved amended resolution from 5 p.m. meeting start times to 5:30 p.m. Motion carried, 4/1 (Berger – No).

Resolution No. 2023-010 carried as amended.

2. **APPOINTMENT OF CHAIR AND VICE-CHAIR:** Adopt a resolution appointing Chair and Vice-Chair. (Staff contact: Mandy Mills, Housing & Homeless Services Department)

Recommended Action: Adopt the resolution.

Commissioner Chang nominated himself as Vice-Chair.
Commissioner Collins nominated himself as Chair.

Resolution No. 2023-011 carried unanimously, 5/0.

3. HOUSING ELEMENT IMPLEMENTATION: Receive a report on the city's rezoning effort and recommend minimum affordability requirements. (Staff contact: Scott Donnell, Community Development Department)

Recommended Action: Receive the report and adopt the resolution.

Senior Planner Scott Donnell and City Planner Eric Lardy reviewed a PowerPoint presentation (on file with the office of the City Clerk). Commissioners received the presentation.

Bob Pritchard spoke regarding Site 5.

Sally Schiffman spoke regarding Site 10.

Saahil Khandwala spoke in support of staff's recommendations.

Tom Frieder spoke against rezoning Site 8.

Commissioners asked clarifying questions of staff and provided comments.

Motion by Commissioner Ydigoras, seconded by Chair Collins, to amend the proposed resolution to add a provision that the City Council consider reducing the inclusionary requirement from 20% to 15% in the event the city meets the very-low and low income housing needs.

Chair Collins called a recess at 6:19 p.m. Meeting reconvened at 6:28 p.m. Staff provided verbiage to amend the resolution as requested.

Resolution No. 2023-012 carried as amended, 4/1 (Collins – No).

COMMISSION COMMENTS AND REQUESTS FOR CONSIDERATION OF MATTERS: None.

STAFF COMMENTS: None.

ADJOURNMENT:

By proper motion, the Regular Meeting of the Housing Commission was adjourned at 6:42 p.m.



Leah Sorensen
Administrative Secretary

Scott Donnell

From: Yates, Marcie@CALFIRE <Marcie.yates@bof.ca.gov>
Sent: Wednesday, December 13, 2023 9:24 AM
To: Zach Alter; CALFIRE Land Use Planning
Cc: Robert Efird III; Scott Donnell; Reema Shakra; Olsen, Brian@CALFIRE
Subject: City of Carlsbad Safety Element
Attachments: CSR_SDU_San Diego County_Carlsbad_SE Formal_9-8-23.pdf

Good Morning,

Please find attached the Board's final review of the City of Carlsbad draft Safety Element. Please note that if the city determines not to accept some or all of the Board's recommendations, if any, the city shall communicate in writing to the Board its reasons per [Government Code 56302.5](#). However, since there are no additional recommendations, you can disregard that notice.

I can confirm that the Board members' additional recommendations were for discussion purposes and do not require further action unless the city wishes to incorporate them. The attached is all the documentation the city needs to move forward with adoption.

Thanks for your collaboration in this process, let me know if you have any questions.

**Marcie Yates**

Staff Services Manager 1
Land Use Planning
Board of Forestry & Fire Protection
715 P. St., Sacramento, CA 95814
(916) 917-3170 Cell Phone



CAUTION: Do not open attachments or click on links unless you recognize the sender and know the content is safe.

General Plan Safety Element Assessment

Board of Forestry and Fire Protection



Carlsbad 2023

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Purpose and Background

Upon the next revision of the housing element on or after January 1, 2014, the safety element is required to be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones. (Gov. Code, § 65302, subd. (g)(3).)

The safety element is required to include:

- Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
- Any historical data on wildfires available from local agencies or a reference to where the data can be found.
- Information about wildfire hazard areas that may be available from the United States Geological Survey.
- The general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZs) and in state responsibility areas (SRAs), including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
- The local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services. (Gov. Code, § 65302, subd. (g)(3)(A).)

Based on that information, the safety element shall include goals, policies, and objectives that protect the community from the unreasonable risk of wildfire. (Gov. Code, § 65302, subd. (g)(3)(B).) To carry out those goals, policies, and objectives, feasible implementation measures shall be included in the safety element, which include but are not limited to:

- Avoiding or minimizing the wildfire hazards associated with new uses of land.
- Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in the SRA or VHFHSZ.
- Designing adequate infrastructure if a new development is located in the SRA or VHFHSZ, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- Working cooperatively with public agencies with responsibility for fire protection. (Gov. Code, § 65302, subd. (g)(3)(C).)

The safety element shall also attach or reference any fire safety plans or other documents adopted by the city or county that fulfill the goals and objectives or contains the information required above. (Gov. Code, § 65302, subd. (g)(3)(D).) This might include Local Hazard Mitigation Plans, Unit Fire Plans, Community Wildfire Protection Plans, or other plans.

There are several reference documents developed by state agencies to assist local jurisdictions in updating their safety elements to include wildfire safety. The Fire Hazard Planning, General Plan Technical Advice Series from the Governor's Office of Planning and Research (OPR), referenced in Government Code section 65302, subdivision (g)(3) and available at

1400 Tenth Street
Sacramento, CA 95814
Phone: (916) 322-2318

The Technical Advice Series is also available from the OPR website ([Technical Advice Series link](https://www.opr.ca.gov/docs/Final_6.26.15.pdf)).^{*} The Technical Advice Series provides policy guidance, information resources, and fire hazard planning examples from around California that shall be considered by local jurisdictions when reviewing the safety element of its general plan.

The Board of Forestry and Fire Protection (Board) utilizes this Safety Element Assessment in the Board's review of safety elements under Government Code section 65302.5. At least 90 days prior to the adoption or amendment of their safety element, counties that contain SRAs and cities or counties that contain VHFHSZs shall submit their safety element to the Board. (Gov. Code, § 65302.5, subd. (b).) The Board shall review the safety element and respond to the city or county with its findings regarding the uses of land and policies in SRAs or VHFHSZs that will protect life, property, and natural resources from

unreasonable risks associated with wildfires, and the methods and strategies for wildfire risk reduction and prevention within SRAs or VHFHSZs. (Gov. Code, § 65302.5, subd. (b)(3).)

The CAL FIRE Land Use Planning team provides expert fire protection assistance to local jurisdictions statewide. Fire captains are available to work with cities and counties to revise their safety elements and enhance their strategic fire protection planning.

Methodology for Review and Recommendations

Utilizing staff from the CAL FIRE Land Use Planning team, the Board has established a standardized method to review the safety element of general plans. The methodology includes

- 1) reviewing the safety element for the requirements in Government Code section 65302, subdivision (g)(3)(A),
- 2) examining the safety element for goals, policies, objectives, and implementation measures that mitigate the wildfire risk in the planning area (Gov. Code, § 65302, subd. (g)(3)(B) & (C)), and
- 3) making recommendations for methods and strategies that would reduce the risk of wildfires (Gov. Code, § 65302.5, subd. (b)(3)(B)).

The safety element will be evaluated against the attached Assessment, which contains questions to determine if a safety element meets the fire safety planning requirements outlined in Government Code, section 65302. The reviewer will answer whether or not a submitted safety element addresses the required information, and will recommend changes to the safety element that will reduce the wildfire risk in the planning area. These recommended changes may come from the list of sample goals, policies, objectives, and implementation measures that is included in this document after the Assessment, or may be based on the reviewer's knowledge of the jurisdiction in question and their specific wildfire risk. By answering the questions in the Assessment, the reviewer will determine if the jurisdiction's safety element has adequately addressed and mitigated their wildfire risk. If it hasn't, any specific recommendations from the reviewer will assist the jurisdiction in revising the safety element so that it does.

Once completed, the Assessment should provide clear guidance to a city or county regarding any areas of deficiency in the safety element as well as specific goals, policies, objectives, and implementation measures the Board recommends adopting in order to mitigate or reduce the wildfire threat in the planning area.

General Plan Safety Element Assessment

Jurisdiction: Carlsbad	Notes: Final Review	CAL FIRE Unit: SDU	Date Received: 9/5/23
County: San Diego County	LUPP Reviewer: B. Olsen	UNIT CONTACT: Ryan Silva	Date Reviewed: 9/8/23

BACKGROUND INFORMATION SUMMARY

The safety element must contain specific background information about fire hazards in each jurisdiction.

Instructions for this table: Indicate whether the safety element includes the specified information. If YES, indicate in the comments where that information can be found; if NO, provide recommendations to the jurisdiction regarding how best to include that information in their revised safety element.

Required Information	Yes or No	Comments and Recommendations
Are Fire Hazard Severity Zones Identified? <i>CAL FIRE or Locally Adopted Maps</i>	Yes	SE p. 6-47, Figure 6-12: Fire Hazard Severity Zones
Is historical data on wildfires or a reference to where the data can be found, and information about wildfire hazard areas that may be available from the United States Geological Survey, included?	Yes	SE p. 6-46, Wildland Fire Hazards SE p. 6-49, First Paragraph MJHMP p. 115-116
Has the general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZs) and in state responsibility areas (SRAs), including structures, roads, utilities, and essential public facilities, been identified?	Yes	SE p. 6-47, Figure 6-12: Fire Hazard Severity Zones
Have local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services, been identified?	Yes	SE p. 6-42 to 6-45
Are other fire protection plans, such as Community Wildfire Protection Plans, Local Hazard Mitigation Plans, CAL FIRE Unit or Contract County Fire Plans, referenced or incorporated into the Safety Element?	Yes	SE p. 6-7 SE p. 6-50 to 6-52, Evacuation Routes
Are residential developments in hazard areas that do not have at least two emergency evacuation routes identified?	Yes	SE p. 6-51 and 6-52 SE p. 6-53, Figure 6-13: Single Access Roads

Required Information	Yes or No	Comments and Recommendations
Have evacuation routes and their capacity, safety, and viability under a range of emergency scenarios been identified?	Yes	SE p. 6-50 to 6-56 San Diego Emergency Operations Plan, Annex Q
Is there any other information in the Safety Element regarding fire hazards in SRAs or VHFHSZs?		

GOALS, POLICIES, OBJECTIVES, AND FEASIBLE IMPLEMENTATION MEASURES

The safety element must contain a set of goals, policies, and objectives based on the above information to protect the community from unreasonable risk of wildfire and implementation measures to accomplish those stated goals, policies, and objectives.

Instructions for this table: Critically examine the submitted safety element and determine if it is adequate to address the jurisdiction's unique fire hazard. Answer YES or NO appropriately for each question below. If the recommendation is irrelevant or unrelated to the jurisdiction's fire hazard, answer N/A. For NO, provide information in the Comments/Recommendations section to help the jurisdiction incorporate that change into their safety element revision. This information may utilize example recommendations from Sample Safety Element Recommendations and Fire Hazard Planning in Other Elements of the General Plan below, may indicate how high of a priority this recommendation is for a jurisdiction, or may include other jurisdiction-specific information or recommendations.

Section 1 Avoiding or minimizing the wildfire hazards associated with new uses of land

Questions	Yes or No	Comments and Recommendations
Does local ordinance require development standards that meet or exceed title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 1-5 (commencing with section 1270) (SRA Fire Safe Regulations) and title 14, CCR, division 1.5, chapter 7, subchapter 3, article 3 (commencing with section 1299.01) (Fire Hazard Reduction Around Buildings and Structures Regulations) for SRAs and/or VHFHSZs?	Yes	SE p. 6-67, Policy 6-P.48 SE p. 6-68, Policy 6-P.55
Are there goals and policies to avoid or minimize new residential development in VHFHSZs?	Yes	SE p. 6-69, Policy 6-P.60
Has fire safe design been incorporated into future development requirements?	Yes	SE p. 6-68, Policy 6-P.55 SE p. 6-68, Policy 6-P.54
Are new essential public facilities located outside high fire risk areas, such as VHFHSZs, when feasible?	Yes	SE p. 6-69, Policy 6-P.61
Are there plans or actions identified to mitigate existing non-conforming development to contemporary fire safe standards, in terms of road standards and vegetative hazard?	Yes	SE p.6-70, Policy 6-P.67
Does the plan include policies to evaluate re-development after a large fire?	Yes	SE p. 6-69, Policy 6-P.57 SE p. 6-68, Policy 6-P.54
Is fuel modification around homes and subdivisions required for new development in SRAs or VHFHSZs?	Yes	SE p. 6-68, Policy 6-P.55
Are fire protection plans required for new development in VHFHSZs?	Yes	SE p. 6-67, Policy 6-P.49 SE p. 6-68, Policy 6-P.54

Questions	Yes or No	Comments and Recommendations
Does the plan address long term maintenance of fire hazard reduction projects, including community fire breaks and private road and public road clearance?	Yes	SE p. 6-68, Policy 6-P.53 SE p. 6-68, Policy 6-P.55 SE p. 6-70, Policy 6-P.74
Is there adequate access (ingress, egress) to new development in VHFHSZs?	Yes	SE p. 6-68, Policy 6-P.55
Are minimum standards for evacuation of residential areas in VHFHSZs defined?	Yes	SE p. 6-68, Policy 6-P.55 SE p. 6-70, Policy 6-P.76 SE p. 6-71, Policy 6-P.78 SE p. 6-71, Policy 6-P.79 SE p. 6-50 to 6-56 San Diego Emergency Operations Plan, Annex Q
If areas exist with inadequate access/evacuation routes, are they identified? Are mitigation measures or improvement plans identified?	Yes	SE p. 6-68, Policy 6-6.55 SE p. 6-70, Policy 6-P.76 SE p. 6-71, Policy 6-P.78 SE p. 6-71, Policy 6-P.79 SE p. 6-50 to 6-56 San Diego Emergency Operations Plan, Annex Q
Are there policies or programs promoting public outreach about defensible space or evacuation routes? Are there specific plans to reach at-risk populations?	Yes	SE p. 6-68, Policy 6-P.55 SE p. 6-70, Policy 6-P.66 SE p. 6-71, Policy 6-P.79
Does the plan identify future water supply for fire suppression needs?	Yes	SE p. 6-70, Policy 6-P.68
Does new development have adequate fire protection?	Yes	SE p. 6-69, Policy 6-P.63

Section 2 Develop adequate infrastructure if a new development is located in SRAs or VHFHSZs.

Does the plan identify adequate infrastructure for new development related to:	Yes or No	Comments and Recommendations
Water supply and fire flow?	Yes	SE p. 6-68, Policy 6-P.51
Location of anticipated water supply?	Yes	SE p. 6-68, Policy 6-P.55

Does the plan identify adequate infrastructure for new development related to:	Yes or No	Comments and Recommendations
Maintenance and long-term integrity of water supplies?	Yes	SE p. 6-67, Policy 6-P.50 SE p. 6-68, Policy 6-P.51
Evacuation and emergency vehicle access?	Yes	SE p. 6-68, Policy 6-P.55 SE p. 6-69, Policy 6-P.64
Fuel modification and defensible space?	Yes	SE p. 6-68, Policy 6-P.55 SE p. 6-70, Policy 6-P.67
Vegetation clearance maintenance on public and private roads?	Yes	SE p. 6-68, Policy 6-P.55
Visible home and street addressing and signage?	Yes	SE p. 6-68, Policy 6-P.55
Community fire breaks? Is there a discussion of how those fire breaks will be maintained?	Yes	SE p. 6-68, Policy 6-P.55

Section 3 Working cooperatively with public agencies responsible for fire protection.

Question	Yes or No	Comments and Recommendations
Is there a map or description of existing emergency service facilities and areas lacking service, specifically noting any areas in SRAs or VHFHSZs?	Yes	SE p. 6-47, Figure 6-12: Fire Hazard Severity Zones
Does the plan include an assessment and projection of future emergency service needs?	Yes	SE p. 70, Policy 6-P.69
Are goals or standards for emergency services training described?	Yes	SE p. 6-69, Policy 6-P.75
Does the plan outline inter-agency preparedness coordination and mutual aid multi-agency agreements?	Yes	SE p. 6-67, Policy 6-P.47

Sample Safety Element Recommendations

These are examples of specific policies, objectives, or implementation measures that may be used to meet the intent of Government Code sections 65302, subdivision (g)(3) and 65302.5, subdivision (b). Safety element reviewers may make recommendations that are not included here.

A. MAPS, PLANS AND HISTORICAL INFORMATION

1. Include or reference CAL FIRE Fire Hazard Severity Zone maps or locally adopted wildfire hazard zones.
2. Include or reference the location of historical information on wildfires in the planning area.
3. Include a map or description of the location of existing and planned land uses in SRAs and VHFHSZs, particularly habitable structures, roads, utilities, and essential public facilities.
4. Identify or reference a fire plan that is relevant to the geographic scope of the general plan, including the Unit/Contract County Fire Plan, Local Hazard Mitigation Plan, and any applicable Community Wildfire Protection Plans.
5. Align the goals, policies, objectives, and implementation measures for fire hazard mitigation in the safety element with those in existing fire plans, or make plans to update fire plans to match the safety element.
6. Create a fire plan for the planning area.

B. LAND USE

1. Develop fire safe development codes to use as standards for fire protection for new development in SRAs or VHFHSZs that meet or exceed the statewide minimums in the SRA Fire Safe Regulations.
2. Adopt and have certified by the Board of Forestry and Fire Protection local ordinances which meet or exceed the minimum statewide standards in the SRA Fire Safe Regulations.
3. Identify existing development that do not meet or exceed the SRA Fire Safe Regulations or certified local ordinances.
4. Develop mitigation measures for existing development that does not meet or exceed the SRA Fire Safe Regulations or certified local ordinances or identify a policy to do so.

C. FUEL MODIFICATION

1. Develop a policy to communicate vegetation clearance requirements to seasonal, absent, or vacation rental owners.
2. Identify a policy for the ongoing maintenance of vegetation clearance on public and private roads.
3. Include fuel breaks in the layout/siting of subdivisions.
4. Identify a policy for the ongoing maintenance of existing or proposed fuel breaks.
5. Identify and/or map existing development that does not conform to current state and/or locally adopted fire safety standards for access, water supply and fire flow, signing, and vegetation clearance in SRAs or VHFHSZs.
6. Identify plans and actions for existing non-conforming development to be improved or mitigated to meet current state and/or locally adopted fire safety standards for access, water supply and fire flow, signing, and vegetation clearance.

D. ACCESS

1. Develop a policy that approval of parcel maps and tentative maps in SRAs or VHFHSZs is conditional based on meeting the SRA Fire Safe Regulations and the Fire Hazard Reduction Around Buildings and Structures Regulations, particularly those regarding road standards for ingress, egress, and fire equipment access. (See Gov. Code, § 66474.02.)
2. Develop a policy that development will be prioritized in areas with an adequate road network and associated infrastructure.
3. Identify multi-family housing, group homes, or other community housing in SRAs or VHFHSZs and develop a policy to create evacuation or shelter in place plans.
4. Include a policy to develop pre-plans for fire risk areas that address civilian evacuation and to effectively communicate those plans.
5. Identify road networks in SRAs or VHFHSZs that do not meet title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 2 and 3 (commencing with section 1273.00) or certified local ordinance and develop a policy to examine possible mitigations.

E. FIRE PROTECTION

1. Develop a policy that development will be prioritized in areas with adequate water supply infrastructure.
2. Plan for the ongoing maintenance and long-term integrity of planned and existing water supply infrastructure.
3. Map existing emergency service facilities and note any areas lacking service, especially in SRAs or VHFHSZs.
4. Project future emergency service needs for the planned land uses.
5. Include information about emergency service trainings or standards and plans to meet or maintain them.
6. Include information about inter-agency preparedness coordination or mutual aid agreements.

Fire Hazard Planning in Other Elements of the General Plan

When updating the General Plan, here are some ways to incorporate fire hazard planning into other elements. Wildfire safety is best accomplished by holistic, strategic fire planning that takes advantage of opportunities to align priorities and implementation measures within and across plans.

LAND USE ELEMENT

Goals and policies include mitigation of fire hazard for future development or limit development in very high fire hazard severity zones.

Disclose wildland urban-interface hazards, including fire hazard severity zones, and/or other vulnerable areas as determined by CAL FIRE or local fire agency. Design and locate new development to provide adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allow citizen egress during emergencies.

Describe or map any Firewise Communities or other fire safe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organization.

HOUSING ELEMENT

Incorporation of current fire safe building codes.

Identify and mitigate substandard fire safe housing and neighborhoods relative to fire hazard severity zones.

Consider diverse occupancies and their effects on wildfire protection (group housing, seasonal populations, transit-dependent, etc).

OPEN SPACE AND CONSERVATION ELEMENTS

Identify critical natural resource values relative to fire hazard severity zones.

Include resource management activities to enhance protection of open space and natural resource values.

Integrate open space into fire safety planning and effectiveness.

Mitigation for unique pest, disease and other forest health issues leading to hazardous situations.

CIRCULATION ELEMENT

Provide adequate access to very high fire hazard severity zones.

Develop standards for evacuation of residential areas in very high fire hazard severity zones.

Incorporate a policy that provides for a fuel reduction maintenance program along roadways.

Scott Donnell

From: Maria Nahmias <marialynn48@gmail.com>
Sent: Wednesday, October 18, 2023 5:34 PM
To: Scott Donnell
Subject: Re: Agenda City Council lot 10

Dear Scott,
 Thank you so much !

I also have these concerns on this property:
 Safety & Security

We already have low income pushing across gateway from our home. That's not a big problem; they're condos. I see people park & drive away already on Colt Pl. as I leave for church Sundays for example. they may be visiting there or homeless, live in their car part of each week. Police have been called for this and other people who attempted to live at night on our Kensington property. It's not safe to walk for health or with a baby in stroller, as my neighbor does.

This security hazard would increase by 100 fold if that lot 10 is used.
 Sincerely yours,
 Maria

Maria L. Nahmias, Ph.D.
 760-889-7844
 6164 Colt Pl. #105
 Carlsbad, CA 92009

> On Oct 18, 2023, at 10:19 AM, Scott Donnell <Scott.Donnell@carlsbadca.gov> wrote:
 >
 > Good morning,
 >
 > Thank you for your comments on Site 10. They will be distributed to the Planning Commission; all of the correspondence received will be posted here: <https://www.carlsbadca.gov/city-hall/meetings-agendas/boards-commissions/planning-commission/-folder-834>.
 >
 > We encourage any additional correspondence to be submitted before 2 p.m. today.
 >
 > Scott Donnell
 > Senior Planner
 > 1635 Faraday Avenue
 > Carlsbad, CA 92008-7314
 > www.carlsbadca.gov
 >
 > 442-339-2618 o | scott.donnell@carlsbadca.gov
 >
 >
 > -----Original Message-----

Scott Donnell

From: Todd Schuett <todd_schuett@yahoo.com>
Sent: Friday, October 20, 2023 9:24 AM
To: Planning; Scott Donnell
Subject: Proposed High Density Community

Good day,

I'm writing to you regarding the potential building of a high-density community at the end of the cul-de-sac on Colt Place, I believe it is site #10. I've been reluctant to write, as I own an affordable unit, and don't want to prevent others from doing so. But in the last few months I've seen the main street through our community, connecting the cul-de-sac to the Sprouts parking lot, become increasingly dangerous.

Every day I walk to the coffee shop, CVS, or Sprouts on this street. I've seen it become a main thoroughfare for people going to Sprouts and the other businesses in that area from the Staybridge hotel, and to avoid the traffic light at the intersection of Gateway Rd and Finnilla Pl. This includes delivery trucks and full-sized semis. Not only has the volume of traffic increased exponentially, but the speed and recklessness of the driving has gotten markedly more dangerous.

A few days ago, a car leaving the Sprouts parking lot came within inches of hitting me as they speed through the community. This compelled me to write, as I was run over by a car in a parking lot in high school and know the lifelong damage it does. I survived because I am a literal giant of a man...but a normal person, or God forbid a child, would likely not survive. This is the inevitable outcome of adding a high-density community and the traffic it will bring to this bottleneck street.

In addition, in the last 4 years I have watched this lot go from a barren piece of land to a small nature preserve. As the plant life increased in density and variety, so did the wildlife that survive on it. Brush rabbits and ground squirrels moved in, which then turned the lot into a hunting ground for red-tailed hawks raising their chicks, coyotes bedding down and raise their pups, and an occasional owl hunting mice at night. If this lot were cleaned of the debris dumped by construction workers, it would make an ideal refuge for local wildlife to thrive.

I encourage you to maintain this lot as commercial property at a minimum, and if it must be housing—to not build a high-density community. I cannot count how many times I've seen a car almost hit someone walking their dog on this street...including children. If you move forward with high-density housing in this spot, tragedy is inevitable.

Thank you for your time and consideration,
Todd Schuett

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From: Barbara Artman <barb.artman@gmail.com>
Sent: Saturday, October 21, 2023 1:18 PM
To: Scott Donnell <Scott.Donnell@carlsbadca.gov>
Subject: Space between Fairfield Suites and Kensington condos

Dear Mr. Donnell,

This open space needs to stay open space.

The area is home to wildlife that has nowhere else to go. The land is bordered on all sides by development. Not every space needs to be developed in Carlsbad.

The building that is proposed would impact both the hotel and the condo complex. And the impact is negative for both. Getting in and out of the site would make for dangerous situations in parking lots with families walking to and from these places.

Surely, the Carlsbad planning committee can find a place that does not impact the nearby area in so many ways, Thank you for your time.

Barbara Artman

7604154539 Sent from my iPad

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Scott Donnell

From: Laura Brown <lauravozzabrown@gmail.com>
Sent: Monday, November 13, 2023 2:25 PM
To: Scott Donnell
Subject: Environmental Scoping Meeting - Site 5

Mr Donnell,

My family has lived in the Terramar community for 25 years. Our house is right around the corner from Site 5 located at the Cannon Rd exit from I5 and is adjacent to the railroad track, across from the Power and Desalination plants. Like the downtown area of Carlsbad, we are feeling the pressure from increasing traffic, noise, parking and ADU's and zoning variances, but our area lacks the infrastructure and resources to support high density housing.

We feel that rezoning for Site 5 is not compatible with the area and is completely unnecessary because of existing ADU laws are already increasing density within our community and surrounding area, we currently have about 7 ADUs that are being build at this moment.

The proposed Re-Zone would change a planned Industrial 2-acre lot to high density residential with 60 units. If you include the housing laws enacted in 2023 and California's density bonus laws, density can increase up to an additional 80%, closer to 110 homes. Also, you could see concessions that lift height restrictions, reduce set-backs from the property lines, and reduced parking minimums or require no parking.

Traffic in the area is already a problem for the streets of Cannon and Los Robles especially during rush hours in the Carlsbad work zone. The I5 freeway backs up daily and the many accidents lead drivers to exit onto Cannon Rd and the 101 causing congestions making it difficult to exit or enter our community. We also have visitor related traffic for Legoland, strawberry and flower fields, outlet mall and Car County Carlsbad all use Cannon Rd.

Parking is limited in this area. The only street parking is along a small strip of Cannon Park, residents would be forced to cross Cannon Rd during some very high traffic volume times and compete with coastline visitors. The street parking in Terramar is already being filled from beach goers and increasing ADU development. There is nowhere else to park.

We ask that the city review the "Local Noise Element" of its general plan before a re-zone decision is made to ensure that any type of development is compatible cumulatively with the local noise environment. We are in a sensitive area with noise contributions from the power and desalinization plant activity, SDG&E staging and worksite and Carlsbad Fire State 7 on the Encino property, Cannon

Park activities, 15 freeway, train crossing, Carlsbad airport, and military helicopters along our sensitive coastline.

Additionally the Site 5 is adjacent to a double railway track. Its location within 30 feet of the train tracks and crossing signals make it a high noise exposure area. Approximately 500 ft of the property line is 30 feet from the center of the tracks, creating dangerous crossings. Across the tracks is an open area and then the fresh water Cannon lake which hosts Kingfishers, Egrets, Great Blue Herons, and Osprey.

Most importantly this area does not have the infrastructure to support high density housing. It is not walkable as there are no grocery stores, restaurants or other conveniences within several miles. It was designated for industrial use for good reasons.

Site 5 should be removed from the list of sites. This proposed re-zone will put a strain on our roads, environment and change the local identity. At the very least, if a rezone is eminent, the city should greatly reduce the applied zone density. Decreasing the zoning to from 30 units an acre to a more moderate 8-10 units will produce a final density of approximately 30-35 homes.

Respectfully

Laura Brown

5117 El Arbol Dr, Carlsbad

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From: [Tammy Cloud-McMinn](#)
To: [Kyle Lancaster](#); [Ana Alarcon](#); [Sheila Cobian](#)
Subject: FW: Pickleball Courts
Date: Tuesday, January 16, 2024 8:04:42 AM

Hi Kyle - this arrived in our general Clerk Inbox.

Kind regards,
Tammy McMinn, CPMC, CMC
Senior Deputy City Clerk
City of Carlsbad
442-339-2953

-----Original Message-----

From: Tene Anderson <wherestene@gmail.com>
Sent: Sunday, January 14, 2024 9:11 AM
To: City Clerk <clerk@carlsbadca.gov>
Subject: Pickleball Courts

Dear Carlsbad City Council,

Any chance of us getting some indoor Pickleball/Raquetball courts at Site 10?

Thanks for your consideration,
Tene A.

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From: Steven Oakes <oakes.steven99@gmail.com>
Sent: Monday, January 15, 2024 1:40 PM
To: City Clerk <Clerk@carlsbadca.gov>
Subject: Regarding Potential Low Income Housing Site # 17

Carlsbad City Council,

I live in the Bluwater Crossing complex next to the coaster lot.

Utilizing the coaster parking lot for this housing development would kill my business and the other 40+ small businesses that my neighbors live and work out of. Please do not develop the site number 17 into low income housing. My livelihood and the lively hood of this community depends on it. There are hair salons, tech startups, coffee shops, coworking space, yoga studios, a small charter school and so many other small business and organizations that would be put out of business as soon at these parking goes away and the coaster users stop shopping in our complex. Not to mention potentially bringing more crime into this thriving little neighborhood.

Please find another site for this housing development.

Sincerely, your neighbor,

Steven Oakes

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From: [Tammy Cloud-McMinn](#)
To: [Sheila Cobian](#); [Ana Alarcon](#)
Subject: FW: Concerns Regarding Low-Income Housing Development at Site 17 (Coaster Lot)
Date: Tuesday, January 16, 2024 8:05:56 AM

Hi Mandy,

Another one in our General Clerk inbox.

Thank you!

Kind regards,
Tammy McMinn, CPMC, CMC
Senior Deputy City Clerk
City of Carlsbad
442-339-2953

From: Courtney Hulsing <courtneyhulsing@gmail.com>
Sent: Monday, January 15, 2024 2:00 PM
To: City Clerk <Clerk@carlsbadca.gov>
Subject: Concerns Regarding Low-Income Housing Development at Site 17 (Coaster Lot)

Dear City of Carlsbad,

I hope this email finds you well. I am writing to express my concerns regarding the proposed low-income housing development at Site 17, specifically the Poinsettia-Carlsbad Coaster Lot. I understand the importance of affordable housing, but I believe there are critical factors that need consideration before proceeding with this project.

Firstly, the construction of low-income housing at Site 17 poses a potential threat to businesses in the nearby Bluwater Crossing area. The presence of construction activities, noise, and potential disruptions could adversely impact the operations and foot traffic for businesses in this vicinity. It's crucial to prioritize the stability and growth of local businesses, and I urge you to assess the potential economic repercussions this development may have on Bluwater Crossing.

Secondly, I would like to draw attention to the significant issue of parking for Coaster trains. The elimination of parking spaces for Coaster trains could lead to logistical challenges and inconvenience for both commuters and the public transportation system. A well-functioning and accessible transportation system is vital for the community's connectivity, and any hindrance to Coaster services should be carefully evaluated.

Additionally, I would like to highlight the potential impact on tenants living in close proximity to the proposed housing development. I personally live in the Bluwater Crossing apartments currently and noise, construction dust, and increased traffic could negatively affect the quality of life for me and the rest of the residents. It's important to consider the well-being of the existing community members and ensure that their living conditions are not compromised during the construction and subsequent habitation of the new housing units.

I understand the city's commitment to providing affordable housing options, but I believe it's crucial to balance this goal with the preservation of local businesses, transportation infrastructure, and the well-being of current residents. I kindly request a thorough review of these concerns before making any final decisions regarding the development at Site 17.

Thank you for your attention to this matter, and I appreciate your commitment to the betterment of our community.

Sincerely,
Courtney Hulsing

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From: [City Clerk](#)
To: [Council Internet Email](#)
Cc: [Eric Lardy](#); [Scott Donnell](#)
Subject: FW: Potential Housing project to replace Carlsbad Cottages at Flame Tree Lane
Date: Wednesday, January 17, 2024 4:31:59 PM

From: Melissa Clark <mrclark2262@gmail.com>
Sent: Wednesday, January 17, 2024 2:14 PM
To: City Clerk <clerk@carlsbadca.gov>
Subject: Re: Potential Housing project to replace Carlsbad Cottages at Flame Tree Lane

On Wed, Jan 17, 2024 at 2:07 PM Melissa Clark <mrclark2262@gmail.com> wrote:

Dear City Council members of Carlsbad Ca,

I am writing to express my strong opposition to the proposed housing development in our neighborhood. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community.

First and foremost, the proposed development is simply too large for the area. This would be the third project in the immediate area. This increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex.

Most importantly, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere.

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter.

Respectfully yours,

Melissa R Clark

(Shorepoint resident)

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From: [Tammy Cloud-McMinn](#)
To: [Scott Donnell](#)
Subject: FW: Please stop the Cottage Row site low income housing Development!
Date: Monday, January 22, 2024 8:27:28 AM

-----Original Message-----

From: Jessica Price <jessicalangprice@gmail.com>
Sent: Saturday, January 20, 2024 7:29 AM
To: City Clerk <clerk@carlsbadca.gov>
Subject: Please stop the Cottage Row site low income housing Development!

Hi Carlsbad City Council & Staff,

The traffic on Aviara Parkway has already increased since construction started on the low income housing development. I am concerned already about having two major developments right by each other. The addition of the cottage row development would be far too many low income housing buildings in one concentrated area which could decrease home values, raise crime and cause a transportation problem since there is limited public transport nearby. Please reconsider another location, possibly along El Camino for a development like this where we have better public transport and can spread out the low income housing.

I am in Mariner's Point but the neighborhoods of Saltaire and Shorepointe would really suffer with this plan that they would have never seen coming. In fact, none of us neighbors could have foreseen the city wanting to build all of this low income housing in one area. Please reconsider the location.

Thank you,
Jessica Price
Mariner's Point
801-719-0028
Sent from my phone

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From: [City Clerk](#)
To: [Scott Donnell](#)
Subject: FW: Opposition to site 8
Date: Tuesday, January 23, 2024 10:00:17 AM

From: Ashley Andrews <ashleynandrews@gmail.com>
Sent: Tuesday, January 23, 2024 9:25 AM
To: City Clerk <clerk@carlsbadca.gov>
Subject: Opposition to site 8

City of Carlsbad,

My name is Ashley Andrews and my husband and I have lived at 1258 Mariposa Road for almost 11 years. We STRONGLY OPPOSE any large apartment/condo complexes being built on site 8. The city has already approved over 300 units basically touching that lot and this pocket of Carlsbad cannot sustain any more. Please consider the residents before you approve this. Site 8 literally touches my back fence and I am shocked that it is even being considered while those other massive housing developments are currently under construction. The roads and schools in our area CANNOT support this many people.

I just served as the PTO President at Pacific Rim Elementary for two years, are you planning to build a new elementary school? Because PacRim could not accommodate hundreds of new students.

I urge you to NOT rezone site 8, we have not even had time to see the impact the currently under construction apartments make to our neighborhood. Enough is enough, choose another spot for dense housing. There is already too much in this corner. Do the right thing for Carlsbad and approve Map 2, or if you do approve Map 1 REMOVE SITE 8.

Thank you for your time,

Ashley Andrews

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CITY COUNCIL Staff Report

Meeting Date: Jan. 30, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Scott Donnell, Senior Planner
scott.donnell@carlsbadca.gov, 442-339-2618

Subject: Aura Circle Open Space Designation (GPA 2021-0001, ZC 2021-0001, LCPA 2021-0011 (PUB 2021-0002)) and Buena Vista Park Open Space (GPA 2021-0002, ZC 2021-0002 (PUB 2021-0003))

District: 1

Recommended Actions

Hold a public hearing and:

1. Introduce an ordinance amending Section 21.05.030 of the Carlsbad Municipal Code by approving:
 - a. Amendments to the Zoning Map and the Local Coastal Program Zoning Map to change zoning from One Family Residential, minimum 8,000 square foot lot size (R-1-8000) and Open Space (OS) to Open Space (OS) for a portion of a 14.58-acre property at the terminus of Aura Circle.
 - b. An amendment to the Zoning Map to change zoning from One Family Residential (R-1) to Open Space (OS) for a 3.1-acre property at 1605 Buena Vista Way (Exhibit 1).
2. Adopt a resolution approving:
 - a. Amendments to the General Plan and Local Coastal Program Land Use Maps to change the land use designation from Residential, 0-4 du/ac (R-4), and Open Space (OS) to Open Space (OS) for a portion of a 14.58-acre property at the terminus of Aura Circle.
 - b. An amendment to the General Plan Land Use Map to change the land use designation from Residential, 0-4 dwelling units/acre (R-4) to Open Space (OS) for a 3.1-acre property at 1605 Buena Vista Way (Exhibit 2).

Executive Summary

The City of Carlsbad is recognized for having high standards for Open Space. As part of the ongoing efforts to add more open space to the network, the city recently acquired a property for habitat preserve and developed another into a public park. It is a best practice to also update the residential land use designations for both properties to remove the residential density.

The recommended action would change the land use designations and zoning on the two city-owned properties from residential to open space.

- One site, acquired in 2020, is an undeveloped hillside property surrounded by homes at the end of Aura Circle and just west of Kelly Drive.
- The other, located southeast of Buena Vista Way and Elmwood Street, is the former site of a water storage reservoir. The Planning Commission approved a conditional use permit in 2019 to develop the site into a park, park construction was completed in 2021 and it is now the Buena Vista Reservoir Park.

The Carlsbad Municipal Code (Section 21.52.030) states the City Council may approve amendments to the General Plan Land Use Map, Zoning Map, and Local Coastal Program Land Use Map at a public hearing and after considering the Planning Commission's recommendation on the same. The Planning Commission recommended approval of the amendments on Oct. 20, 2021 (Exhibit 3).

If approved, the project would reduce the General Plan's housing capacity by 19 units. Under state law, any City Council action that results in the reduction of the city's housing capacity must be replaced during the same City Council meeting so there is "no net loss" of housing units. Accordingly, for the City Council to approve the proposed amendments, it must take concurrent action to approve an equivalent or greater number of replacement units. Such an opportunity exists with the implementation of the General Plan's Housing Element and update of its Public Safety Element, which is also on this agenda. This proposed action can only be approved, however, if the Housing Element implementation and Public Safety Element update is also approved.

Explanation & Analysis

On March 14, 2017, the City Council approved a general plan lawsuit settlement agreement between the city, North County Advocates and several other parties. The terms of the agreement included retention and development of the Buena Vista Reservoir site as a new public park. The agreement also directed the city to consider and acquire property for open space preservation.

Aura Circle

The Aura Circle property is 14.58 acres and is undeveloped. On Feb. 11, 2020, the City Council adopted Resolution 2020-034, authorizing the purchase of the property, and determining its acquisition would add 2.66 acres – the portion of the site presently designated for residential development – to the city's official open space inventory. Most of the site was previously set aside as Open Space (OS) and only 2.66 acres, or 18%, was designated for residential use.

Thirteen homes could potentially be built on the property. The project would change the 2.66 acres of low density residential land use designation (R-4) and single-family zoning (R-1-8000) on the developable portion to Open Space to match the balance of the property. Because the property is in the Coastal Zone, amendments to the Local Coastal Program – the planning document for the city's Coastal Zone – are required in addition to amendments to the city's General Plan and Zoning Ordinance.

Buena Vista Park

The Buena Vista Park property is a 3.1-acre city park at 1605 Buena Vista Way. Formerly, the site contained a large water storage reservoir built in 1918. Presently, the entire Buena Vista Park site has a low-density residential land use designation (R-4) and is zoned for single-family residential (R-1). Although zoned residential, public parks are permitted with a conditional use permit, which the Planning Commission approved for Buena Vista Park in 2019. Construction of the park began in 2020 and was completed the following year. If not developed as a park, the property potentially could have developed with 15 homes.

In prior documentation on Aura Circle and Buena Vista Park, including the October 20, 2021, Planning Commission staff report, potential yields of 9 and 10 homes (19 homes total), respectively, were reported for each site. Higher yields are estimated here (28 units total) to reflect the maximum potential units that could be built.

Compliance with state housing law

State housing law, specifically Senate Bill 330 (the Housing Crisis Act) requires cities to ensure development opportunities remain available throughout the housing planning period to accommodate a jurisdiction's regional housing needs allocation, especially for lower income families. This is referred to under SB 330 as "no net loss" of housing. As such, for any action taken by a city that would decrease capacity such as through the loss or reduction of residential units, state law requires an equal or greater number of replacement units be approved concurrently, or at the same meeting as the project, to ensure there is no net loss in capacity.

The proposed change from residential to open space would reduce the city's housing capacity by a potential 28 units. However, the Housing Element Implementation and Public Safety Element update, which is also on this agenda, if approved, would more than provide the units necessary to make up for the reduction associated with the proposed rezone. If the Housing Element Implementation and Public Safety Element Update project is not adopted at this City Council meeting, the subject item must be continued until an alternative upzoning solution is proposed.

Benefits

The present uses of the two sites could continue under their current land use designations and zoning. The proposed change from residential to Open Space, however, offers the clear benefit of providing land use designations and zoning that recognize each site's purpose as open space for either habitat preservation purposes, as is the case at Aura Circle, or a public park, the Buena Vista Reservoir Park.

In addition, redesignation also helps to better implement the city's General Plan policies to protect environmentally sensitive lands, maintain an integrated open space system accommodating recreation and conservation, and designate for preservation as open space lands that provide unique visual amenities, such as hillsides and other areas that provide visual and physical relief.

Redesignation also enables both the Aura Circle and Buena Vista Park sites to increase the city's General Plan open space inventory by 2.66 and 3.1 acres, respectively, or a total 5.76 acres.

Community Engagement

General outreach

There were no speakers at the October 20, 2021, Planning Commission meeting on the land use changes. Written public comments were received in the form of emails responding to the proposal to redesignate a portion of the Aura Circle site as Open Space. Comments expressed concern about public safety, homelessness and community involvement in any planning of the site.

As noted, the city acquired Aura Circle in 2020. The property will not be developed as a park. While the city's Trails Master Plan identifies the potential development of a 0.2-mile trail on the property (Trail Segment 7H), a charter for a Capital Improvement Program for trail planning and construction has not yet been established. Since it was acquired by the city, the site has been actively managed by the Center for Natural Lands Management, the city's land manager. Both the center's staff and the city's Police Department park rangers monitor the site on a regular basis for any possible trespassing or vandalism. The city's Police Department Homeless Outreach Team can also be notified of any possible encampments on the site.

Staff provided the comments received to commissioners, and they are included as part of the Planning Commission's staff report (Exhibit 3). Written public comments received too late to distribute to the Planning Commission and after the Oct. 20, 2021, Planning Commission meeting are provided as Exhibit 5. The Planning Commission voted 6/0/1 (Commissioner Sabellico absent) to recommend approval of the land use changes to Open Space for both properties.

Local Coastal Program amendment

A public notice of the proposed Local Coastal Program amendment was published on Friday, Sept. 3, 2021, in The San Diego Union-Tribune and the Coast News in accordance with Carlsbad Municipal Code Title 21 Section 21.54.060 - Notices of applications and hearings. A state-mandated six-week notice of availability period was required for the proposed Local Coastal Program amendment, which ended Oct. 15, 2021. No comments were received in response to the notice.

Tribal consultation

The City of Carlsbad consulted with Native American tribal representatives regarding the proposed land use changes to Open Space. Consultation was conducted and concluded with the Rincon Band of Luiseno Indians and the San Luis Rey Band of Mission Indians in 2021.

Fiscal Analysis

There is no fiscal impact from the recommended action.

Next Steps

Changes to the General Plan Land Use Map become effective upon their approval by City Council resolution (Exhibit 2).

Following the City Council's introduction of the ordinance for the changes to the Zoning Map, it will be scheduled at the City Council's next meeting for adoption, tentatively on February 6, 2024. Thirty days following adoption of the ordinance, changes to the Zoning Map for the Buena Vista Park property will become effective since the property is outside the Coastal Zone.

For Aura Circle, since it is in the Coastal Zone, amendments to the Zoning Map will become effective when the California Coastal Commission approves the Local Coastal program Amendment. Staff will apply to the California Coastal Commission for a Local Coastal Program Amendment following the City Council's adoption of the ordinance.

Environmental Evaluation

The City Planner has determined that the project is exempt from the provisions of CEQA, pursuant to CEQA Guidelines Section 15061(B)(3) (General Rule) and City of Carlsbad Municipal Code Chapter 19.04.070(A)(1)(c), which applies to minor municipal code amendments that do not involve physical modifications or lead to physical improvements beyond those typically exempt. A notice of exemption will be filed by the City Planner upon project approval.

Exhibits

1. City Council ordinance
2. City Council resolution
3. [October 20, 2021, Planning Commission staff report](#) (on file in the Office of the City Clerk)
4. October 20, 2021, Planning Commission minutes
5. Public comments (not included with the October 20, 2021, Planning Commission staff report)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY APPROVING AMENDMENTS TO THE ZONING MAP AND THE LOCAL COASTAL PROGRAM ZONING MAP TO CHANGE ZONING FROM ONE FAMILY RESIDENTIAL, MINIMUM 8,000 SQUARE FOOT LOT SIZE (R-1-8000) AND OPEN SPACE (OS) TO OPEN SPACE (OS) FOR A 14.58 ACRE PROPERTY AT THE TERMINUS OF AURA CIRCLE; AND AN AMENDMENT TO THE ZONING MAP TO CHANGE ZONING FROM ONE FAMILY RESIDENTIAL (R-1) TO OPEN SPACE (OS) FOR A 3.1-ACRE PROPERTY LOCATED AT 1605 BUENA VISTA WAY

CASE NAME: AURA CIRCLE OPEN SPACE AND BUENA VISTA PARK OPEN SPACE
 CASE NO: ZC 2021-0001/LCPA 2021-0011 (PUB 2021-0002) AND ZC 2021-0002 (PUB 2021-0003)

WHEREAS, the City Planner has prepared amendments to the Zoning Map (Title 21 of the Carlsbad Municipal Code) (ZC 2021-0001 and ZC 2021-0002) and to the Local Coastal Program (LCPA 2021-0011) pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, the amendments regard two separate properties owned by the City of Carlsbad and described as follows:

Property 1 - APN 207-100-48 ("Aura Circle Open Space"):

THAT PORTION OF LOT "I" OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 17, OF LAGUNA RIVIERA UNITY NO. 1, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5871, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 21, 1967; THENCE ALONG THE WESTERLY BOUNDARY OF SAID MAP NO 5871 TO THE NORTHEAST CORNER OF LOT 37 OF LAGUNA RIVIERA UNITY NO. 2, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6165, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 8, 1968; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID MAP NO. 6165, TO THE SOUTHEAST CORNER OF LOT 298 OF LAGUNA RIVIERA UNIT NO. 9, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7516, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER

29, 1972; THENCE ALONG THE EASTERLY BOUNDARY OF SAID MAP NO. 7516 TO THE MOST NORTHERLY CORNER OF LOT 286 OF SAID MAP NO. 7516, BEING ON THE SOUTHERLY LINE OF LOT 131 OF CARLSBAD TRACT NO. 76-15, UNIT 3 (PALISADES POINT), IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10579 TO THE MOST SOUTHERLY CORNER OF CARLSBAD TRACT NO. 73-8 (CARLSBAD PALISADES) UNIT NO. 1, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8039, FILLED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 6, 1974; THENCE NORTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF SAID MAP NO. 8039 TO THE POINT OF BEGINNING.

Property 2 – APN 156-200-16 (“Buena Vista Park Open Space”):

THAT PORTION OF TRACT NUMBER ONE TWENTY-ONE (121) CARLSBAD LANDS AS SHOWN ON MAP THEREOF NUMBER 1661 ON RECORD IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY BOUNDED BY A LINE DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF SAID TRACT NUMBER ONE TWENTY-ONE (121) AND RUNNING THENCE SOUTH EIGHTY-NINE DEGREES FIVE MINUTES (89 05’) EAST FIVE HUNDRED TWO (502.0) FEET TO A POINT; THENCE SOUTH TWENTY-THREE DEGREES FOUR MINUTES (23 04’) EAST FOUR HUNDRED THIRTY-FOUR AND FIFTY-EIGHT HUNDREDTHS (434.58) FEET TO A POINT; THEN SOUTH FIFTY-FIVE DEGREES TWENTY-SEVEN MINUTES (55 27’) WEST TWO HUNDRED FEET (200) TO A POINT: THENCE NORTH THIRTY-FOUR DEGREES THIRTY-THREE MINUTES (34 33’) WEST FIVE HUNDRED NINETY-FIVE AND THIRTY-FOUR HUNDREDTHS (596.34) FEET TO A POINT: THENCE NORTH EIGHTY-NINE DEGREES FIVE MINUTES (89 05’) WEST, ONE HUNDRED SIXTY-NINE AND FORTY-TWO HUNDREDTHS (169.42) FEET TO A POINT: THENCE NORTH NO DEGREES FIFTY-MINUTES (0 52’) WEST TWENTY-EIGHT AND TWENTY-FIVE HUNDREDTHS (28.25) FEET TO THE POINT OF BEGINNING; and

WHEREAS, on Oct. 20, 2021, the Planning Commission held a duly noticed public hearing as prescribed by law to consider ZC 2021-0001/LCPA 2021-0011 and ZC 2021-0002; and

WHEREAS the Planning Commission adopted Planning Commission Resolutions 7428 and 7429 recommending to the City Council that ZC 2021-0001/LCPA 2021-0011 and ZC 2021-0002 be approved; and

WHEREAS, the City Council held a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said City Council considered all factors relating to the “ZC 2021-0001/LCPA 2021-0011 – Aura Circle Open Space” and “ZC 2021-0002 - Buena Vista Park Open Space.”

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

1. The above recitations are true and correct.
2. Section 21.05.030 of the Carlsbad Municipal Code, being the Zoning Map and the Local Coastal Program Zoning Map, is amended as shown on the maps marked “Exhibit ZC 2021-0001 – Aura Circle Open Space,” dated March 1, 2021, “Exhibit LCPA 2021-0011 – Aura Circle Open Space”, dated March 1, 2021, and “Exhibit ZC 2021-0002 - Buena Vista Park Open Space” also dated March 1, 2021, all of which are attached hereto as Attachment A and made a part hereof.
3. The findings and conditions of the Planning Commission in Planning Commission Resolutions 7428 and 7429 shall also constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to 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. Notwithstanding the preceding, ZC 2021-0001 and LCPA 2021-0011 – Aura Circle Open Space shall not be effective until approved by the California Coastal Commission. This restriction does not apply to ZC 2021-0002 - Buena Vista Park Open Space.

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

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

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

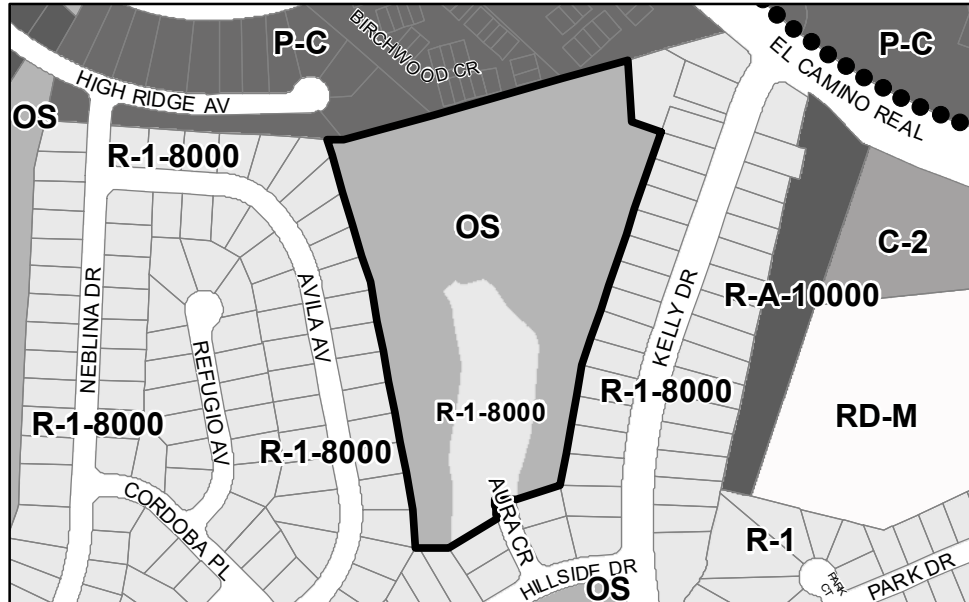
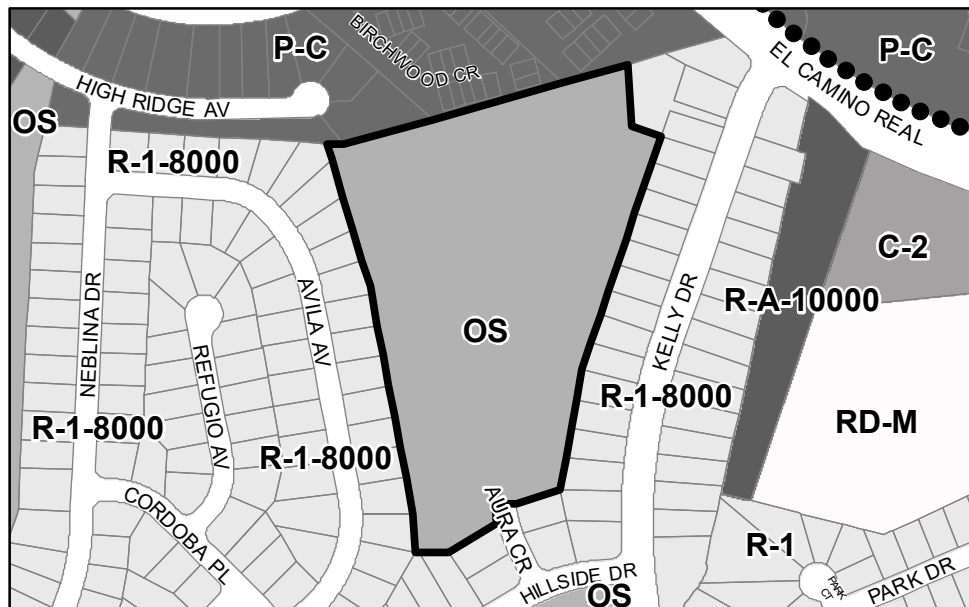
CINDIE K. McMAHON, City Attorney

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

Exhibit "ZC 2021-0001"

March 01, 2021

ZC 2021-0001**Aura Circle Open Space****EXISTING****PROPOSED**

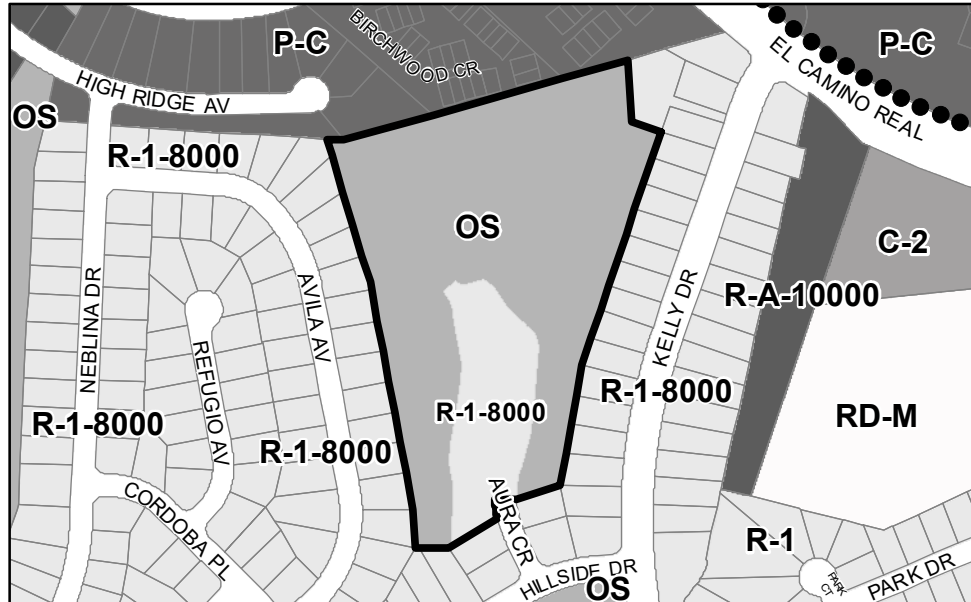
Related Case File No(s): GPA 2021-0001/ LCPA 2021-0011			
Zoning Designation Changes			
	Property	From:	To:
A.	207-100-48-00	R-1-8000/OS	OS

Exhibit "LCPA 2021-0011"

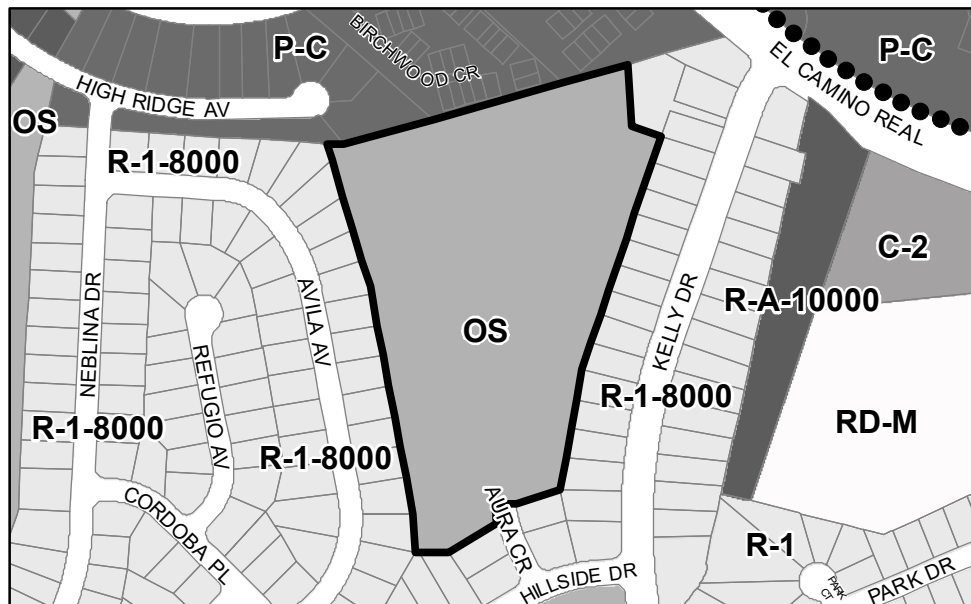
March 01, 2021

LCPA 2021-0011 (Zoning)

Aura Circle Open Space



EXISTING



PROPOSED

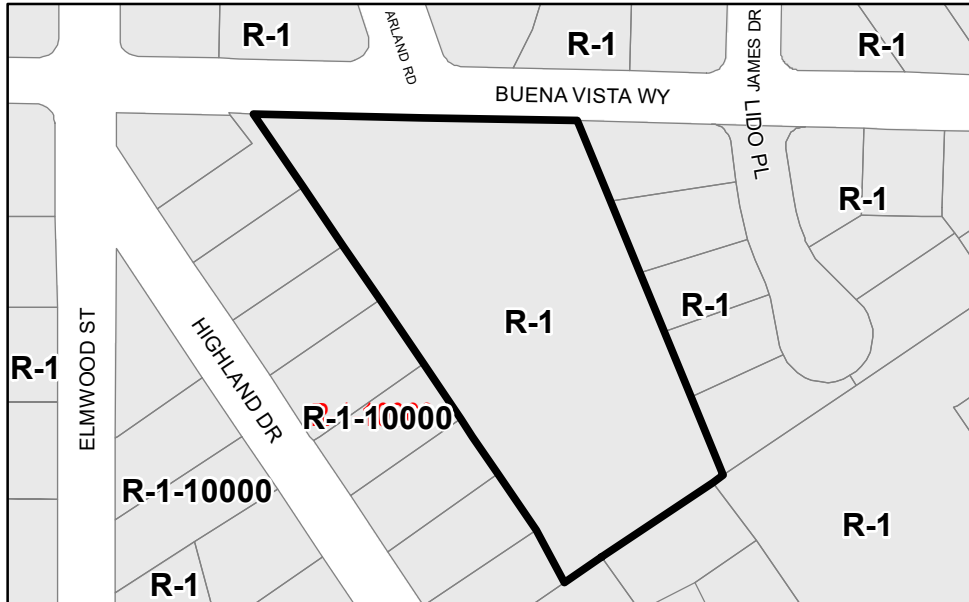
Related Case File No(s): GPA 2021-0001, ZC 2021-0001			
LCPA Zoning Designation Changes			
Property		From:	To:
A.	207-100-48-00	R-1-8000/OS	OS

Exhibit "ZC 2021-0002"

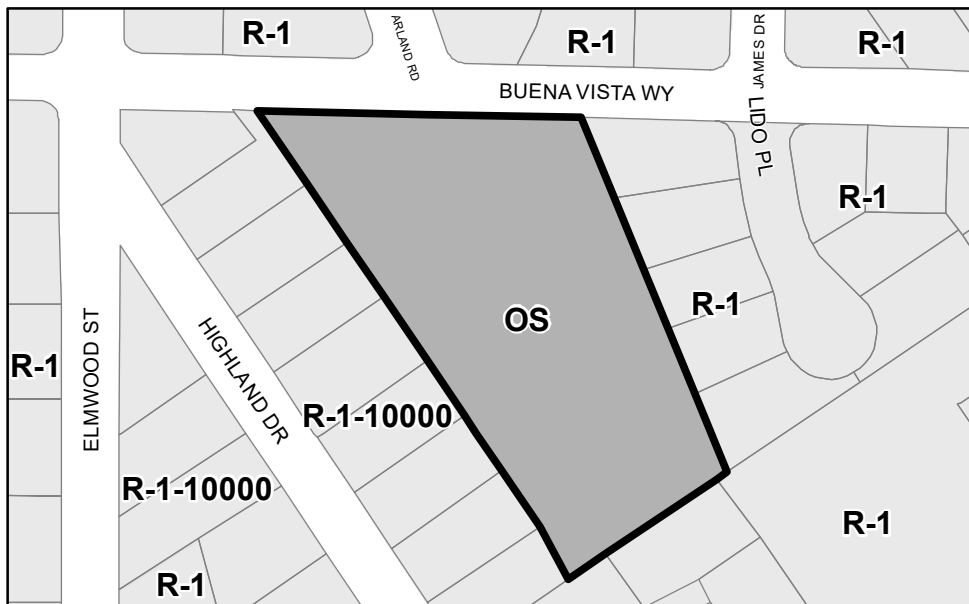
March 01, 2021

ZC 2021-0002

Buena Vista Reservoir Open Space



EXISTING



PROPOSED

Related Case File No(s): GPA 2021-0002			
Zoning Designation Changes			
Property		From:	To:
A.	156-200-16	R-1	OS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE MAPS TO CHANGE THE LAND USE DESIGNATION FROM RESIDENTIAL, 0-4 DWELLING UNITS/ACRE (R-4), AND OPEN SPACE (OS) TO OPEN SPACE (OS) FOR A PORTION OF A 14.58-ACRE PROPERTY AT THE TERMINUS OF AURA CIRCLE; AND AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FROM RESIDENTIAL, 0-4 DU/AC (R-4) TO OPEN SPACE (OS) FOR A 3.1-ACRE PROPERTY AT 1605 BUENA VISTA WAY

CASE NAME: AURA CIRCLE OPEN SPACE AND BUENA VISTA PARK OPEN SPACE
CASE NO.: GPA 2021-0001/LCPA 2021-0011 (PUB 2021-0002) AND GPA 2021-0002 (PUB 2021-0003)

WHEREAS, the City Council of the City of Carlsbad, California has determined that pursuant to the provisions of the Municipal Code, the Planning Commission did, on Oct. 20, 2021, hold a duly noticed public hearing as prescribed by law to consider Planning Commission Resolution 7428, recommending approval of General Plan Amendment GPA 2021-0001 and Local Coastal Program LCPA 2021-0011 (Aura Circle Open Space), and Planning Commission Resolution 7429, recommending approval of General Plan Amendment GPA 2021-0002 (Buena Vista Park Open Space); and

WHEREAS, the Planning Commission adopted Planning Commission Resolutions 7428 and 7429 recommending to the City Council that GPA 2021-0001/LCPA 2021-0011 and GPA 2021-0002 be approved; and

WHEREAS, the City Council, on Jan. 30, 2024, held a duly noticed public hearing to consider GPA 2021-0001/LCPA 2021-0011 and GPA 2021-0002 as recommended by the Planning Commission; and

WHEREAS, pursuant to California Coastal Commission regulations, a six-week notice of availability period for LCPA 2021-0011 began on Sept. 3, 2021, and ended on Oct. 15, 2021; no comments were received during the six-week period; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to GPA 2021-0001/LCPA 2021-0011 and GPA 2021-0002.

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

1. That the above recitations are true and correct.
2. That the loss of 28 housing units resulting from changes to the land use designations and zoning from residential to open space has occurred concurrent with the approval of the Housing Element Implementation and Public Safety Element Update project so that there is no net loss in residential capacity as required by Government Code Section 66300(b)(1). The Housing Element Implementation and Public Safety Element Update project as approved by City Council rezoned property and added residential capacity (housing units) to the city's current land use inventory sufficient to replace the 28 housing units.
3. That the recommendation of the Planning Commission for approval of GPA 2021-0001 as shown on the maps marked "Exhibit GPA 2021-0001 – Aura Circle Open Space," dated March 1, 2021; "Exhibit GPA 2021-0002 – Buena Vista Park Open Space" dated March 1, 2021; and "Exhibit LCPA 2021-0011 – Aura Circle Open Space" dated March 1, 2021, all of which are attached hereto as Attachment A and made a part hereof, are approved, and the findings of the Planning Commission contained in Planning Commission Resolutions 7428 (GPA 2021-0001/LCPA 2021-0011) and 7429 (GPA 2021-0002), on file with the City Clerk and incorporated herein by reference, are the findings of the City Council.
4. This action is final the date this resolution is adopted by the City Council. The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review," shall apply:

"NOTICE"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost of preparation of such record, the time within which such petition may be filed in court is extended to not later than the 30th day following the

date on which the record is either personally delivered or mailed to the party, or the party's attorney of record, if the party has one. A written request for the preparation of the record of proceedings shall be filed with the Office of the City Clerk, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.

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

AYES:

NAYS:

ABSTAIN:

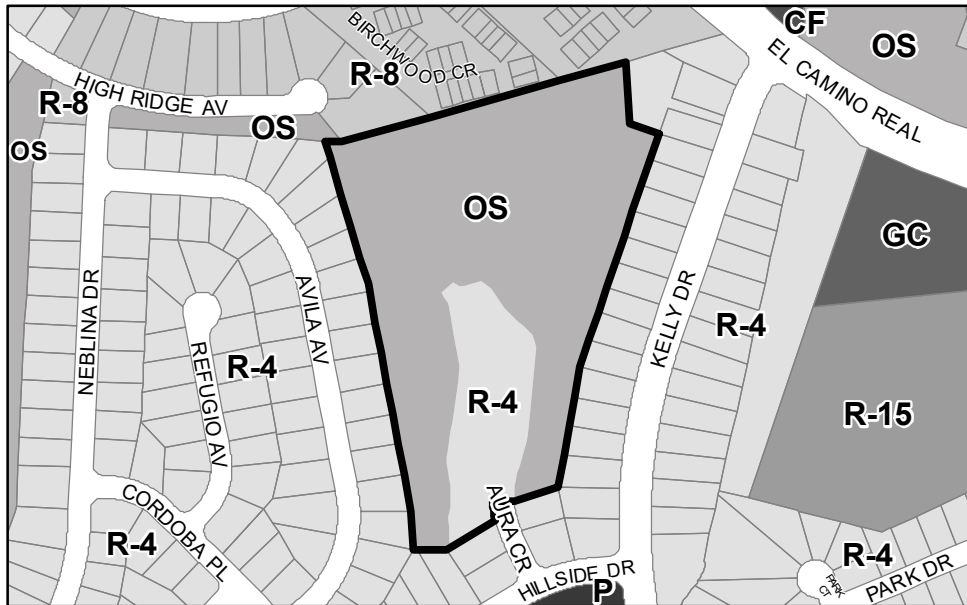
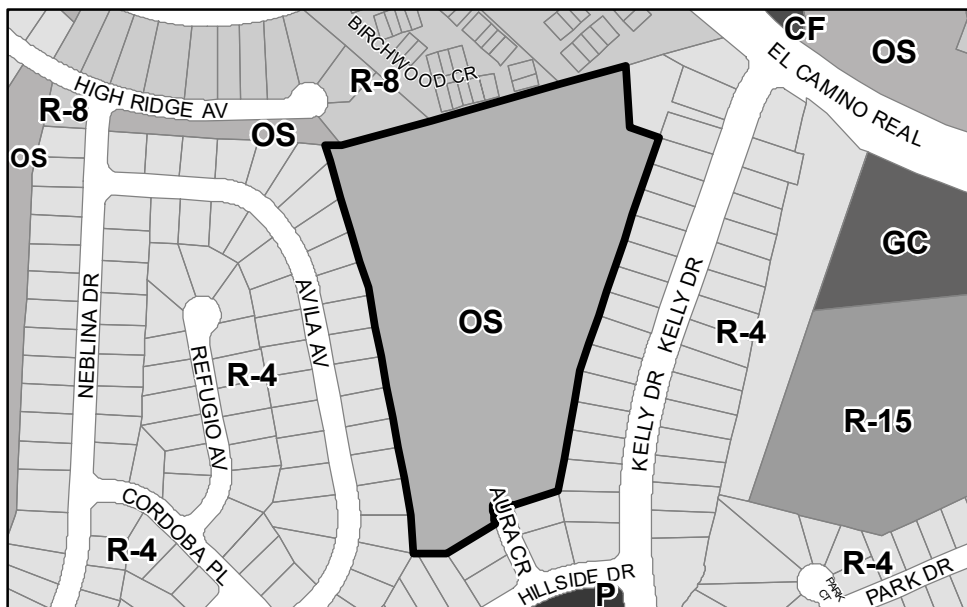
ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

Exhibit "GPA 2021-0001"

March 01, 2021

GPA 2021-0001**Aura Circle Open Space****EXISTING****PROPOSED**

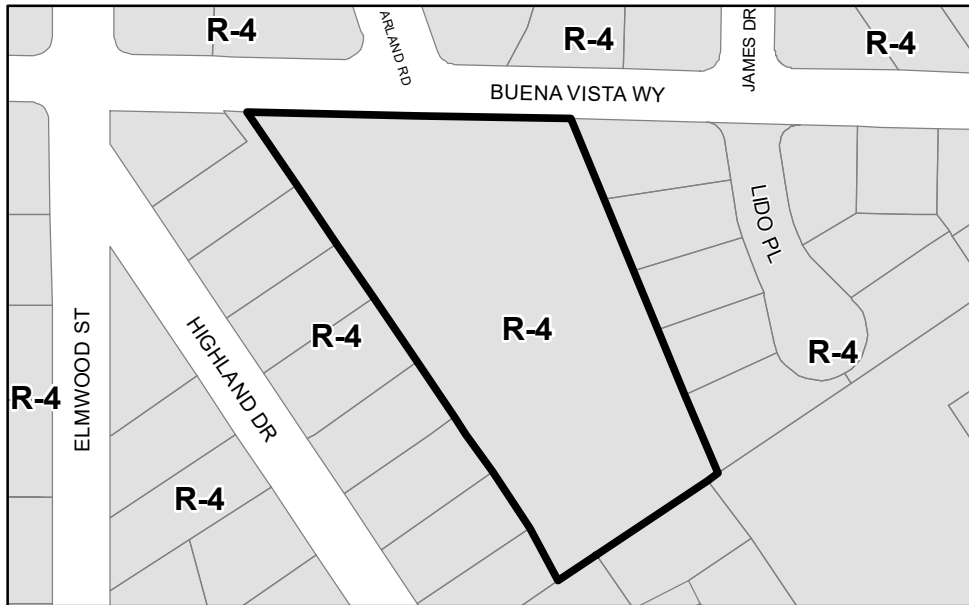
Related Case File No(s): LCPA 2021-0011, ZC 2021-0001		
General Plan Land Use Designation Changes		
Property	From:	To:
A. 207-100-48-00	R-4/OS	OS

Exhibit "GPA 2021-0002"

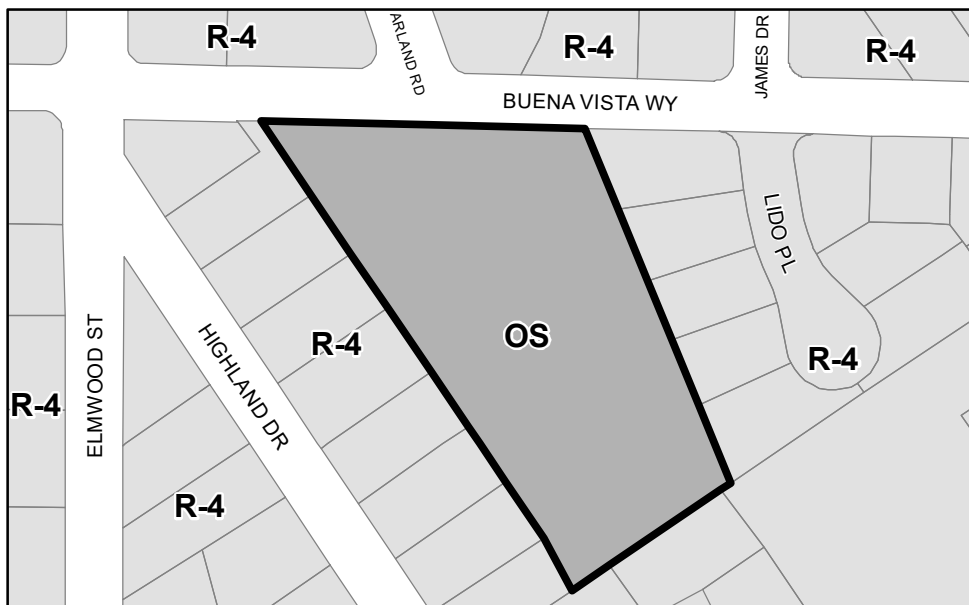
March 01, 2021

GPA 2021-0002

Buena Vista Reservoir Open Space



EXISTING



PROPOSED

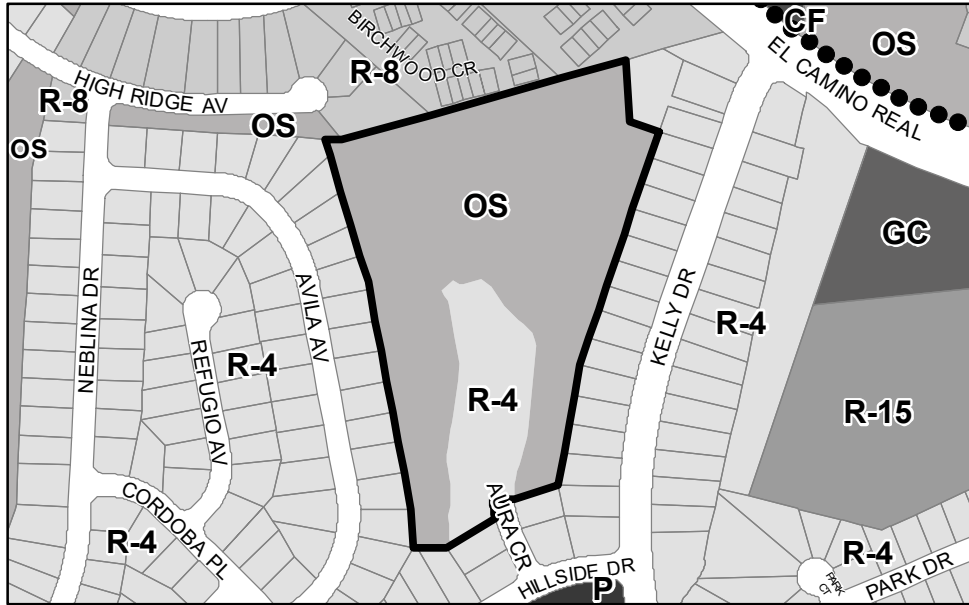
Related Case File No(s): ZC 2021-0002			
General Plan Land Use Designation Changes			
Property		From:	To:
A.	156-200-16	R-4	OS

Exhibit "LCPA 2021-0011"

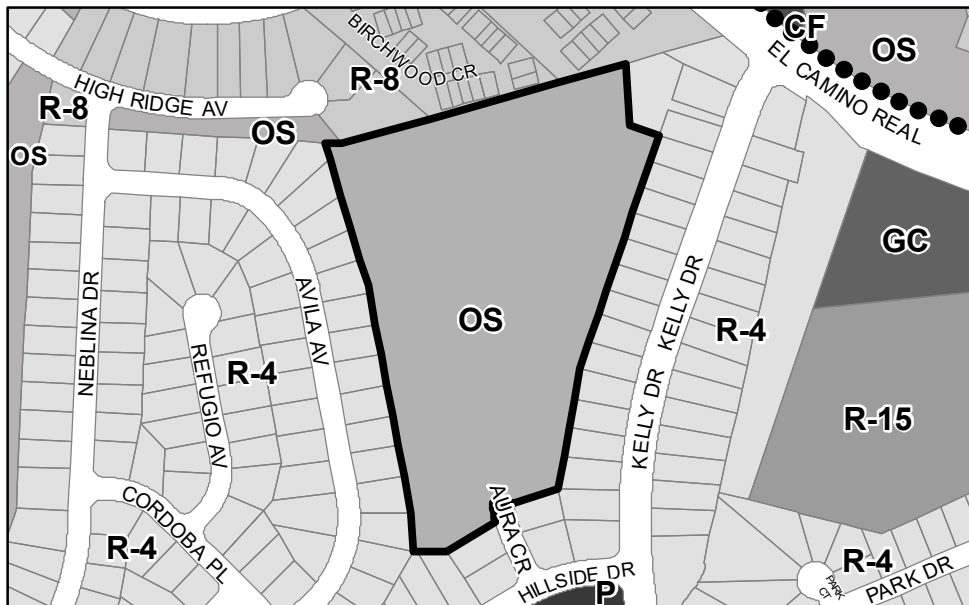
March 01, 2021

LCPA 2021-0011 (Land Use)

Aura Circle Open Space



EXISTING



PROPOSED

Related Case File No(s): GPA 2021-0001, ZC 2021-0001			
LCPA Land Use Designation Changes			
Property		From:	To:
A.	207-100-48-00	R-4/OS	OS

Oct. 20, 2021, Planning Commission Staff Report
(on file in the Office of the City Clerk)



Minutes

City Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Oct. 20, 2021

CALL TO ORDER: 3 p.m.

ROLL CALL: Lafferty, Luna, Meenes, Merz, and Stine
Sabellico absent, Kamenjarin joined when item 2 started

APPROVAL OF MINUTES:

Motion by Commissioner Luna, seconded by Commissioner Meenes, to approve as amended the Sept. 1, 2021 meeting minutes. Motion passed 5/0/2 (Commissioner Kamenjarin and Sabellico absent).

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA:

None

PLANNING COMMISSION PUBLIC HEARING:

Chair Meenes opened the public hearing for Item 1.

1. **CT 2019-0001/PUD 2019-0001 (DEV2018-0135) – LA COSTA VILLAS NORTH** - Request for approval for a Tentative Tract Map and Planned Development Permit to construct a nine-unit, residential air-space condominium project on an approximately 0.40-acre site located on the south side of Gibraltar Street, at the intersection of Gibraltar Street and Jerez Court (APN: 216-300-05-00). The City Planner has determined that this project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to Section 15332 - In-fill Development Projects of the State CEQA guidelines.

City Planner Neu introduced Agenda Item 1 and stated Associate Planner Evans would make the staff presentation (on file in the Planning Division).

DISCLOSURES:

Commissioners Lafferty and Stine disclosed they looked up the site on google maps.

Chair Meenes and Commissioner Merz disclosed they visited the site.

A five minute recess was called to allow time for Commissioner Kamenjarin to join the meeting.

PUBLIC COMMENTS:

Chair Meenes asked if there were any members of the public who wished to speak on the project. He opened public testimony at 3:35 p.m.

Resident Alice Noble stated she has concerns about visitor parking and using street parking for visitors puts a burden on the rest of the community for public use. She stated there is no green space and the area is high density. She is concerned with traffic and the increase of traffic on La Costa Ave and the danger for pedestrians and cyclists.

Chair Meenes asked if there were any additional members of the public who wished to speak. Seeing none, he closed public testimony at 3:40 p.m.

Associate Planner Evans stated the project does not require any open space due to the smaller size. She stated that the Public Works Division would be able to address any traffic related concerns.

ACTION:

Motion by Commissioner Luna, seconded by Commissioner Meenes, to adopt Resolution No. 7427. Motion carried, 5/0/2 (Commissioners Kamenjarin and Sabellico absent).

2. GPA 2021-0001, ZC 2021-0001, LCPA 2021-0011 (PUB 2021-0002) - AURA CIRCLE OPEN

SPACE: Request for a recommendation of approval of an amendment to the General Plan to change the current land use designation from Residential (R-4) and Open Space (OS) to Open Space (OS), and a change of Zone from One Family Residential (R-1- 8000) and Open Space (OS) to Open Space (OS), and an amendment to the Local Coastal Plan Land Use and Zoning to change the current designation from R-4/OS to OS for a 14.58 acre property located at the terminus of Aura Circle, within Local Facilities Management Zone 1.

GPA 2021-0002, ZC 2021-0002 (PUB 2021-0003) - BUENA VISTA PARK OPEN SPACE: Request for a recommendation of approval of an amendment to the General Plan to change the current land use designation from Residential (R-4) to Open Space (OS) and a change of zone from One Family Residential (R-1) to Open Space (OS) for a 3.1 acre property located at 1605 Buena Vista Way within Local Facilities Management Zone 1.

City Planner Neu introduced Agenda Item 2 and stated Associate Planner Bustamante would make the staff presentation (on file in the Planning Division).

DISCLOSURES:

Commissioners Lafferty, Meenes, and Stine disclosed they looked up the sites on google maps.

Commissioner Luna disclosed she is familiar with the site.

Commissioner Kamenjarin confirmed that he joined the meeting and heard the entire presentation for item 2.

QUESTIONS TO STAFF:

Commissioner Stine asked if the Aura Circle property is important to habitat management.

Associate planner Bustamante stated yes. The property is part of the city's Habitat Management Program and Gnatcatchers have been observed on the property.

Commissioner Lafferty asked for further information on the errata sheet that was provided.

Principal Planner Lardy stated the city cannot downzone a property without making up for the residential units in another project. Since the action needs to occur concurrently, the West Oaks project that added units and was previously approved would not be eligible to make up the residential units that would be lost with downzoning the two pieces of land to open space. Once another project is identified, the proposed downzoning will move forward to City Council for approval.

Chair Meenes asked if there were any members of the public who wished to speak on the project. Seeing none, he opened and closed public testimony 4:20 p.m.

ACTION:

Motion by Commissioner Luna, seconded by Commissioner Merz, to adopt Resolution No's. 7428 and 7429 as amended. Motion carried, 6/0/1 (Commissioner Sabellico absent).

3. GPA 2019-0003 (PUB 2019-0009) – OVERVIEW OF ADOPTED 2021-2029 HOUSING ELEMENT

– An informational presentation on the city's adopted Housing Element, including a discussion on its implementation. Pursuant to Public Resources Code Section 21065, receiving this report does not constitute a "project" within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore, does not require environmental review.

City Planner Neu introduced Agenda Item 3 and stated Senior Planner Donnell would make the staff presentation (on file in the Planning Division).

Senior Planner Donnell gave an update on the 2021-2029 Housing Element to include the background, the new housing element, programs, potential sites, public review, and next steps.

PLANNING COMMISSION REPORTS/COMMENTS:

Commissioner Merz shared the experience he had on a recent ride along with an officer that is part of the Homeless Outreach Team.

CITY PLANNER REPORTS:

City Planner Neu stated the next planning commission meeting will remain virtual as per the decision by city council.

CITY ATTORNEY REPORTS:

None

ADJOURNMENT:

Chair Meenes adjourned the duly noticed meeting at 5:13 p.m.



Melissa Flores - Minutes Clerk

From: Enchanted Seashells <enchantedseashells@gmail.com>
Sent: Wednesday, October 20, 2021 4:01 PM
To: Christina Bustamante <Christina.Bustamante@carlsbadca.gov>
Subject: Re: FW: Aura Circle Open Space

Thank you, I can't participate today but I will reiterate my suggestion to organize a neighbor committee so we can be involved in the plans for Aura Circle open space.

Sincerely,



Christina M. Bustamante

Associate Planner

Community Development Department

1635 Faraday Ave.

Carlsbad, CA 92008

www.carlsbadca.gov

760-602-4644 direct | 760-720-9461 | christina.bustamante@carlsbadca.gov

From: Planning <Planning@CarlsbadCA.gov>

Sent: Wednesday, October 20, 2021 8:13 AM

To: Christina Bustamante <Christina.Bustamante@carlsbadca.gov>; Ronald Kemp <Ronald.Kemp@carlsbadca.gov>;
Don Neu <Don.Neu@carlsbadca.gov>; Tim Carroll <Tim.Carroll@carlsbadca.gov>

Subject: FW: Aura Circle Open Space