

April 16, 2024

VIA EMAIL AND MAIL

Jonathan Frankel
 Vice President, Legal & Regulatory Affairs
 Atlantis Group
 2488 Historic Decatur Rd, Suite 220
 San Diego, CA 92106

SUBJECT: DETERMINATION OF THE CITY PLANNER TO ALLOW TOWNHOME BUILDING TYPES IN THE VILLAGE CENTER AND FREEWAY COMMERCIAL DISTRICTS OF THE VILLAGE AND BARRIO MASTER PLAN

Dear Jonathan Frankel:

The Community Development (CD) Department is in receipt of your letter dated March 20, 2024, requesting a determination for allowing townhome building types in the Village Center and Freeway Commercial Districts for applicable multifamily housing development projects within the Village and Barrio Master Plan area (see Attachment A). The site and requested building type are subject to the following regulations:

General Plan & Carlsbad Municipal Code (CMC) - The property's general plan land use designation is Village (V) and zoning designation is Village-Barrio (V-B). Both the general plan and CMC state that development in this location is subject to the Village and Barrio Master Plan policies and regulations.

Village and Barrio Master Plan – Pursuant to Appendix E of the Village and Barrio Master Plan, eligible multifamily and mixed-use residential developments that consist of at least two (2) attached dwelling units must apply the objective design standards and regulations provided in this appendix. This includes conforming to one architectural style and one corresponding building type allowed for each proposed building at the site's sub-district location pursuant to Appendix E, Section 3, Tables 3.1.1 through 3.1.7. Multifamily development located in the Village Center (VC) subdistrict and Freeway Commercial (FC) subdistrict is subject to Appendix E Table 3.1.1 and 3.1.2 as shown below:

Pursuant to the Tables 3.1.1 and 3.1.2, the townhome building type is not allowed in the VC or FC subdistrict. The primary intent to prohibit smaller building types from being developed in the VC and FC subdistricts is to ensure new development facilitates the high density required for those subdistricts which is 28-35 dwelling units per acre (du/ac). Standard townhomes are typically less than that at 14 du/ac. While not identified in Appendix E Section 1.2 "Purpose and Intent", having larger mixed use and residential building types

Table 3.1.1, Village Center Sub-District

Sub-District		Building Type				
VC [Village Center]						
DENSITY 28 - 35 du/ac MAX. HEIGHT 45-feet / 4 Floors INTENT: A mix of attached commercial and residential building types, and built on or near the front property line, creating, throughout most of the district, a continuous commercial street frontage with residences or offices above.		Large Mixed-Use Building	Small Mixed-Use Building	Large Apartment	Small Apartment	Townhouse
Architectural Style	Spanish Revival	■	■	■	■	■
	Craftsman	■	■	■	■	■
	American Mercantile	■	■	■	■	■
	Victorian	■	■	■	■	■
	Colonial Revival/Cape Cod	■	■	■	■	■
	Traditional Modern	■	■	■	■	■

Table 3.1.2, Freeway Commercial Sub-District

Sub-District		Building Type				
FC [Freeway Commercial]						
DENSITY 28 - 35 du/ac MAX. HEIGHT 45-feet / 4 Floors INTENT: Provide a gateway along Carlsbad Village Drive that consists of traveler services normally associated with urban freeway interchanges and uses include residential, lodging, restaurants, retail and gas stations.		Large Mixed-Use Building	Small Mixed-Use Building	Large Apartment	Small Apartment	Townhouse
Architectural Style	Spanish Revival	■	■	■	■	■
	Craftsman	■	■	■	■	■
	American Mercantile	■	■	■	■	■
	Victorian	■	■	■	■	■
	Colonial Revival	■	■	■	■	■
	Traditional Modern	■	■	■	■	■

Notes:

- Shaded boxes indicate the architectural style/building type combination is allowed in the sub-district.
- Clear boxes indicate the architectural style/building type combination is not allowed in the sub-district.

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in the VC and FC districts does better align with the urban environment/community character that fits in with commercial focused street frontages in the Village Center subdistrict and traveler service focused street frontages in the Freeway Commercial subdistrict.

Unlike building types, architectural styles is a topic included in Appendix E Section 1.2 "Purpose and Intent" which states:

Ensure buildings are developed using accurate architectural styles that showcase a high-level degree of design details as traditionally built throughout the Village and Barrio neighborhoods....the objective design standards will help ensure the design of new multifamily housing and mixed-use development buildings will accurately reflect the selected architectural styles that is found historically throughout the Village and Barrio Master Plan area but built using contemporary materials and current building practices.

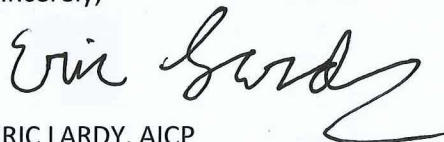
In review of the evidence submitted and the city's existing regulatory documents, and in recognition that the Appendix E objective design standards was intended to ensure the required architectural styles historically built throughout the Village and Barrio neighborhoods were developed, the city planner has determined that the city will allow use of the townhome building type within the Village Center or Freeway Commercial districts as long as the applicable minimum density requirements are met. It is possible that a building that uses the standards to look like a townhome uses methods in other higher density product to meet the minimum density. However, the finished product should primarily use the standards for the most applicable type and will still be limited to the waivers and findings listed below:

1. The proposed project meets the intent of the design standard under consideration, or a similar design standard is implemented in substitution.
2. The project meets the allowed density with the proposed waiver(s).
3. The proposed project is consistent with the distinctive architectural style selected.

This determination may be appealed to the Planning Commission pursuant to CMC §21.54.140 within ten days of the date of this letter. Appeals must be submitted in writing to the Community Development Department; attention City Planner at 1635 Faraday Avenue, Carlsbad, 92008 along with a payment of \$900. Please be advised that the filing of such appeal within such time limit does not stay any requirements, agreements, deadlines, or enforcement action that may otherwise apply to this project or property.

If you have any questions regarding this matter, please feel to contact me at 442-339-2717 or via email at Eric.Lardy@Carlsbadca.gov.

Sincerely,



ERIC LARDY, AICP
City Planner

Attachments:

A- Letter dated March 20, 2024

c: Robb Efird, Principal Planner
Shelley Glennon, Associate Planner



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March 20, 2024

Mr. Eric Lardy, City Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

VIA EMAIL: Eric.Lardy@carlsbadca.gov

Subject: Townhome Building Types in the Village Center and Freeway Commercial Districts of the Village and Barrio Master Plan

Mr. Lardy:

Pursuant to Carlsbad Municipal Code ("CMC") Section §21.53.040, "if an ambiguity arises concerning the appropriate classification of a particular use...it shall be the duty of the City Planner to make an interpretation and thereafter such interpretation shall govern". Accordingly, this letter of request seeks a City Planner interpretation to confirm that townhomes are a permitted multiple-family building typology within the Village Center ("VC") and Freeway Commercial ("FC") districts of the Village and Barrio Master Plan (the "Master Plan").

Section 2.3.1 of the Master Plan provides permitted land uses by district. Permitted uses "are those which are permitted because they are consistent with the vision and intent of the district(s) in which they are located." Specifically, Table 2-1 of the Master Plan provides permitted and conditionally permitted uses by use category, including residential uses. Within both the VC and FC districts, "dwelling, multiple-family" residential uses are expressly permitted, subject to the limitations and applicable design standards found within the Master Plan¹. Pursuant to Carlsbad Municipal Code ("CMC") §21.04.135, "Multiple-family dwelling" is defined as "a building, or portion thereof, designed for occupancy by three or more families living independently of each other, containing three or more dwelling units." As such, typical "row" townhomes (i.e. horizontally attached side-by-side units with shared walls) that contain three or more dwelling units qualify as "multiple-family dwelling(s)" for purposes of the Master

¹ With respect to the VC district only, multi-family dwellings are not permitted on the ground floor street frontage. However, for purposes of this interpretation, we seek clarification as to whether the townhome typology (a form of multi family development) is permitted, understanding that other limitations on building placement along the street frontage may apply.

Plan, and thus, are permitted in both the VC and FC districts as provided by Section §21.35.060 of the CMC.

Furthermore, the recently adopted objective design standards included as Appendix "E" of the Master Plan are intended to "assure that new multifamily housing...embodies a specific architectural style with a high level of attention to design details". (Appendix E.1, Section 1.2). These guidelines seek to "enable new multifamily housing and mixed-use development to be built" by establishing an "architectural stylistic framework" that relates to a particular building typology (Appendix E.3, Architectural Styles; emphasis added). As such, Appendix E is squarely focused on facilitating architectural cohesion for those multifamily residential projects that are otherwise permitted by the Master Plan and CMC. These objective design and architectural standards were not intended to, and do not, modify the permitted uses (e.g. multiple-family dwellings) provided in Section 2.3.1 of the Master Plan and Section §21.35.060 of the CMC. Moreover, Although Tables 3.1.1 and 3.1.2 of Appendix E do not include the Townhome building typology, these tables simply provide "a variety of architectural styles and building type combinations that are *most suitable* for each subdistrict" recognizing that other suitable combinations may exist. (Appendix E.3, Section 3.1; emphasis added). Importantly, nothing in Tables 3.1.1 and 3.1.2 expressly override the Master Plan's list of permitted uses, which would include the Townhome building typology.

It is our understanding the omission of the townhome building type from Tables 3.1.1 and 3.1.2 was instead a result of the mistaken belief that the minimum density requirements in the VC (28-35 DU/Acre) and FC (28-35 DU/Acre) subdistricts would preclude the construction of townhome units and does not reflect an intent by the city to prevent townhome projects in these districts that otherwise comply with applicable development and architectural standards. In fact, through consultation with multiple developers our firm believes that multiple architectural styles could be achieved in a Townhome development in the VC and FC sub districts. As you know, townhome projects are well suited to provide badly needed for-sale housing opportunities, facilitating homeownership as part of envisioned infill redevelopment within the Master Plan. Thus, we request a clarification that Townhomes are a type of permitted "dwelling, multi-family" in both the VC and FC subdistricts consistent with Master Plan Section 2.3.1.

Thank you for your consideration of this request. Please do not hesitate to contact me regarding this matter.

Sincerely,



Jonathan Frankel
Vice President, Legal & Regulatory Affairs

cc: Mr. Jeff Murphy, Director, Community Development Department
Mr. Mike Strong, Assistant Director, Community Development Department