CARLSBAD
MUNICIPAL
CODE

2015

A Codification of the General Ordinances of the City of Carlsbad, California

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PREFACE


During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Mr. Stuart C. Wilson, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This republication brings the code up to date through Ordinance No. CS-283, passed August 25, 2015.

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TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Title</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Provisions</td>
</tr>
<tr>
<td>2</td>
<td>Administration and Personnel</td>
</tr>
<tr>
<td>3</td>
<td>Revenue and Finance</td>
</tr>
<tr>
<td>4</td>
<td>Reserved</td>
</tr>
<tr>
<td>5</td>
<td>Business Licenses and Regulations</td>
</tr>
<tr>
<td>6</td>
<td>Health and Sanitation</td>
</tr>
<tr>
<td>7</td>
<td>Animals and Fowl</td>
</tr>
<tr>
<td>8</td>
<td>Public Peace, Morals and Safety</td>
</tr>
<tr>
<td>9</td>
<td>Reserved</td>
</tr>
<tr>
<td>10</td>
<td>Vehicles and Traffic</td>
</tr>
<tr>
<td>11</td>
<td>Public Property</td>
</tr>
<tr>
<td>12</td>
<td>Reserved</td>
</tr>
<tr>
<td>13</td>
<td>Sewers</td>
</tr>
<tr>
<td>14</td>
<td>Reserved</td>
</tr>
<tr>
<td>15</td>
<td>Grading and Drainage</td>
</tr>
<tr>
<td>16</td>
<td>Reserved</td>
</tr>
<tr>
<td>17</td>
<td>Fire Protection</td>
</tr>
<tr>
<td>18</td>
<td>Building Codes and Regulations</td>
</tr>
<tr>
<td>19</td>
<td>Environment</td>
</tr>
<tr>
<td>20</td>
<td>Subdivisions</td>
</tr>
<tr>
<td>21</td>
<td>Zoning</td>
</tr>
<tr>
<td>22</td>
<td>Historic Preservation</td>
</tr>
</tbody>
</table>

Statutory References
Tables
Index
CODE INSTRUCTIONS

I. Important Features of This Code

Please take a moment to familiarize yourself with some of the important elements of this code.

Tables of Contents. There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own contents summary, a title table of contents listing its chapters and a chapter table of contents listing its sections, respectively.

Ordinance History Note. At the end of each code section, there is an “ordinance history note” that lists the ordinances that added and later amended that section. Ordinances are listed by number, which includes the year of adoption, with the most recent ordinance listed first, as in this example: (Ord. CS-271 § 1, 2015; Ord. CS-232 § 2, 2010). This legislative history note is updated whenever a section is amended.

Statutory References. The statutory references at the end of the code direct the code user to state statutes that are applicable to the local laws found in this code. These references are updated annually.

Ordinance List and Disposition Table. To find a specific ordinance in the code, turn to the Ordinance List and Disposition Table. This table documents the status of every adopted ordinance. The table is organized by ordinance number in chronological order and provides a brief description of an ordinance’s action(s) and the disposition of the ordinance in the code. If an ordinance is codified, its disposition is the chapter(s) wherein the ordinance is codified [Example: (2.04, 6.12, 9.04)]. When an ordinance is repealed, its disposition is changed to “(Repealed by [insert repealing ordinance number]). Other dispositions sometimes used are “Tabled,” “Pending,” “Number not used” or “Void.” Ordinances may also be pending while waiting to be reviewed from the California Coastal Commission; their disposition is (Pending California Coastal Commission certification).

Index. If you’re not certain where to look for a particular subject in this code, start with the index, an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings. The index is updated as necessary when the code text is amended.

Insertion Guide. Each supplement to the code is accompanied by an Insertion Guide. This guide includes the date of the most recent supplement and the last ordinance contained in that supplement. It then lists the pages to remove from the code and the new pages to be inserted. Following these instructions carefully assures that the code is kept accurate and current.
II. Procedures for Drafting Ordinances

When drafting ordinances, it is most important to clearly designate, within the ordinance, what specific portions of the code are affected by an ordinance and how they are affected—e.g., “amended,” “deleted,” “repealed,” “added,” etc.

When Amending Existing Code Material.

Amend the code section specifically:

Example: § 3.04.020 of the Carlsbad Municipal Code is amended to read as follows:

If only a portion of a section is being amended, designate the specific portion:

Example: Subsection A of § 3.04.050 of the Carlsbad Municipal Code is amended to read as follows:

When Repealing Existing Code Material.

When repealing material, designate clearly the specific portion of the code to be repealed.

Examples: § 3.04.020 of the Carlsbad Municipal Code is repealed.
          Subsection B of § 3.04.030 of the Carlsbad Municipal Code is repealed.
          Chapter 8.12 of the Carlsbad Municipal Code is repealed.

When Adding New Material to Code.

When new provisions are to be added to the code, determine where the material would best fit within the subject matter of an existing section, chapter or title. If there is no existing section, chapter or title that seems a logical place to add the new provision(s), you should assign a new section, chapter or title number.

Examples: Subsection D is added to § 5.10.040 of the Carlsbad Municipal Code, to read as follows:
          § 5.10.033 is added to the Carlsbad Municipal Code, to read as follows:
          Chapter 12.07 is added to the Carlsbad Municipal Code, to read as follows:

Note: In order to reduce the possibility of error or misinterpretation, it is best to lay out in an ordinance exactly how the added or amended provisions should appear in print rather than using strikeouts, underlining, bold, etc. showing what has been changed or added.
CHARTER OF THE CITY OF CARLSBAD*

*Editor’s note: Approved by the voters at the special election of June 3, 2008. (Charter Chapter 8, Statutes of 2008, July 3, 2008)

Sections:

**Article 1. Municipal Affairs.**
- Section 100. Powers of City.
- Section 101. Municipal Affairs; Generally.
- Section 102. Incorporation and Succession.

**Article 2. Form of Government.**
- Section 200. Form of Government.

**Article 3. Local Limits of Growth Control.**
- Section 300. Local Limits of Growth Control.

**Article 4. Revenue, Savings and Generation.**
- Section 400. Economic and Community Development.
- Section 401. Public Financing.
- Section 402. Utility Franchises.
- Section 403. Enterprises.
- Section 404. Contracts.

**Article 5. Revenue Retention.**
- Section 500. Reductions Prohibited.
- Section 501. Mandates Limited.
- Section 502. Retention of Benefits.

**Article 6. General Laws.**
- Section 600. General Law Powers.

**Article 7. Interpretation.**
- Section 700. Construction and Interpretation.
- Section 701. Severability.

**Article 8. Amendment.**
- Section 800. Amendment to Charter, Revised or Repealed.

**PREAMBLE**
We the people of the City of Carlsbad, declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. We the people of Carlsbad, are sincerely committed to the belief that local government has the closest affinity to the people governed and firmly convinced that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all the citizens of Carlsbad. Based on these principles, we do hereby exercise the express right granted by the Constitution of the State of California and do ordain and establish this Charter for the City of Carlsbad.

**ARTICLE 1. MUNICIPAL AFFAIRS.**

**Section 100. Powers of City.**
The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws and regulations with respect to municipal affairs, subject only to the limitations and restrictions as may be provided in this Charter, in the Constitution of the State of California, and in the laws of the United States.

**Section 101. Municipal Affairs; Generally.**
Each of the matters set forth in this Charter are declared to be municipal affairs, consistent with the laws of the State of California. The implementation of each matter uniquely benefits the citizens of the City of Carlsbad and addresses peculiarly local concerns within the City of Carlsbad. The municipal affairs set forth in this Charter are not intended to be an exclusive list of municipal affairs over which the City Council may govern.
Section 102. Incorporation and Succession.

The City of Carlsbad shall continue to be a municipal corporation known as the City of Carlsbad. The boundaries of the City of Carlsbad shall continue as now established until changed in the manner authorized by law. The City of Carlsbad shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes affect. The City of Carlsbad shall be subject to all debts, obligations and liabilities of the City of Carlsbad at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, enforced at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper lawful action.

ARTICLE 2. FORM OF GOVERNMENT.

Section 200. Form of Government.

The municipal government established by this Charter shall be known as the “Council-Manager” form of government. The City Council shall establish the policy of the City; the City Manager shall carry out that policy.

ARTICLE 3. LOCAL LIMITS OF GROWTH CONTROL.

Section 300. Local Limits of Growth Control.

The citizens of Carlsbad recognize and declare that managing and limiting growth and ensuring that necessary public facilities are provided to the citizens of the City of Carlsbad are quintessential elements of local control and therefore are municipal affairs. The adoption of this Charter recognizes and reaffirms the principles of the growth management program established by the citizens as Proposition E in 1986 and affirms the principle that this program, that implements a municipal affair shall be superior to and take precedence over any conflicting general laws of the State of California. The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters within the City of Carlsbad.

ARTICLE 4. REVENUE, SAVINGS AND GENERATION.

Section 400. Economic and Community Development.

Subject to the expenditure limitation established by the citizens of Carlsbad Proposition H in 1982, the City shall have the power to utilize revenues from the general fund to encourage, support and promote economic and community development in the City.

Section 401. Public Financing.

The City Council shall have the power to establish standards, procedures, rules and regulations relating to financing of public improvements and services.

Section 402. Utility Franchises.

The City Council shall have the power to provide for the acquisition, development or operation by the City of any public utility and/or to grant any franchise, license or permit to any public utility which proposes to use or is using City streets, highways or other rights-of-way.

Section 403. Enterprises.

The City shall have the power to engage in any enterprise determined necessary to produce revenues for the general fund or any other fund established by the City Council that promotes a public purpose.
Section 404. Contracts.
The City Council shall have the power to establish standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, including, but not limited to, compensation paid for performance of such work.

ARTICLE 5. REVENUE RETENTION.

Section 500. Reductions Prohibited.
All revenues due to, and raised by the City, shall remain within the City of Carlsbad for appropriation solely by the City Council. No such revenue shall be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 501. Mandates Limited.
No person, whether elected or appointed, acting on behalf of the City, shall be required to implement or give effect to, any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by such other level of government.

Section 502. Retention of Benefits.*
Safety employees hired on or after October 4, 2010 (the effective date of the ordinance amending the City’s Contract with CalPERS to create a second tier of retirement benefits for safety employees) shall not have their retirement benefit formula (commonly known as the 2% at 50 years of age formula) increased without an amendment to this section. The City Council may reduce this formula as provided in state law without an amendment to this section.

* Editor’s note: Section 502 was added to the charter by the voters at an election held on Nov. 2, 2010. (Charter Chapter No. 6, Statutes of 2011, February 3, 2011)

ARTICLE 6. GENERAL LAWS.

Section 600. General Law Powers.
In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

ARTICLE 7. INTERPRETATION.

Section 700. Construction and Interpretation.
The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its powers to govern with respect to any matter which is a municipal affair.

Section 701. Severability.
If any provision of this Charter should be held by a final judgment of a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Charter shall remain enforceable to the fullest extent permitted by law.

ARTICLE 8. AMENDMENT.

Section 800. Amendment to Charter, Revised or Repealed.
This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.
Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption
1.08 Penalty
1.10 Administrative Code Enforcement Remedies
1.12 Elections
1.13 Election Campaign Disclosure
1.14 Disqualification for Conflict of Interest
1.16 Time Limits for Judicial Review
1.20 City Council Procedure
1.24 Expenditure Limitation
Chapter 1.01

CODE ADOPTION

Sections:
1.01.010 Generally.
1.01.020 Title—Citation—Reference.
1.01.030 Reference applies to amendments.
1.01.040 Codification authority.
1.01.050 Definitions and construction.
1.01.060 Title, chapter and section headings.
1.01.070 Reference to specific ordinances.
1.01.080 Effect of code on past actions and obligations.
1.01.090 Effective date.
1.01.100 Severability.
1.01.110 Limitation on liability.

1.01.010 Generally.
The Carlsbad Municipal Code, as compiled from the ordinances of the City of Carlsbad, California, and edited and published by Book Publishing Company of Seattle, Washington, is adopted as the official code of the City of Carlsbad, California. (Ord. 1133 § 1, 1971)

1.01.020 Title—Citation—Reference.
This code shall be known as the “Carlsbad Municipal Code,” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of or repeal of the “Carlsbad Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Carlsbad Municipal Code” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in that code. (Ord. 1133 § 2, 1971)

1.01.030 Reference applies to amendments.
Whenever a reference is made to this code as the “Carlsbad Municipal Code” or to any portion thereof, or to any ordinances of the City of Carlsbad, California, that reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 1133 § 3, 1971)

1.01.040 Codification authority.
This code consists of all other regulatory and penalty ordinances and certain of the administrative ordinances codified pursuant to Sections 50022.1—50022.8 and 50022.10 of the California Code Annotated. (Ord. 1133 § 4, 1971)

1.01.050 Definitions and construction.
Unless the context otherwise requires, the following words and phrases where used in the ordinances of the City of Carlsbad shall have the meaning and construction given in this section:
“City” means the City of Carlsbad.
“City council” means the city council of the City of Carlsbad.
“County” means the County of San Diego.
“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer, or employee of any of them.

“State” means the State of California.

“Oath” includes affirmation.

Gender. The masculine gender includes the feminine and neuter.

Number. The singular number includes the plural, and the plural includes the singular.

Tenses. The present tense includes the past and future tenses, and the future tense includes the present tense.

Shall, may. “Shall” is mandatory, “may” is permissive.

Title of office. The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City of Carlsbad.

“Owner” when pertaining to a building or land shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.

“Street” includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in Carlsbad which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tenant” or “occupant” when pertaining to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.

“Goods” includes wares and merchandise.

“Operate” or “engage in” includes carry on, keep, conduct, maintain, or cause to be kept or maintained.

“Across” includes along, in or upon.

“Sale” includes any sale, exchange, barter or offer for sale.

“Ex officio” means by virtue of office. (Ord. 1133 § 5, 1971)

1.01.060 Title, chapter and section headings.
Title, chapter, and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code. (Ord. 1133 § 6, 1971)

1.01.070 Reference to specific ordinances.
The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 1133 § 7, 1971)

1.01.080 Effect of code on past actions and obligations.
Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or any part of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this code, nor be construed as a waiver of any license, fee, or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 1133 § 8, 1971)
1.01.090  Effective date.
The Carlsbad Municipal Code shall become effective on the date that the ordinance codified in this chapter becomes effective. (Ord. 1133 § 9, 1971)

1.01.100  Severability.
If any section, subsection, sentence, clause, phrase, part, or portion of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The Carlsbad city council declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional. (Ord. 1133 § 10, 1971)

1.01.110  Limitation on liability.
Except when otherwise specifically indicated the obligations imposed upon city officers or employees for implementation and enforcement of this code are directory in nature. Nothing in this code shall be construed as limiting or eliminating any defense or immunity from liability for the city or its officers or employees established by the provisions of Title 1, Division 3.6 of the California Government Code or by any other provision of law. Except when otherwise specifically indicated, the manner and timing of enforcement and implementation of this code shall be within the discretion of the city manager or other designated city officers or employees. Except when otherwise specifically indicated this code shall not be construed to hold the city or any officer or employee of the city responsible for any damage to persons or property by reason of a failure to enforce, implement or execute any of the provisions of this code. Nothing in this code shall be construed to hold the city or any officer or employee of the city responsible for any damage resulting to persons or property by reason of any interpretation of this code by any city officer or employee. (Ord. 1277 § 1, 1985)
Chapter 1.08

PENALTY

Sections:

1.08.010 Designated.
1.08.020 Enforcement by community and economic development director.

1.08.010 Designated.

A. Whenever in Chapters 6.03, 8.16, 8.44, 8.48, 8.50, 11.28 and 15.12, or as specified in Sections 1.13.040, 1.20.330(c), 1.20.330(d), 5.10.130, 6.04.130, 8.17.200(A)(1), 8.17.200(A)(2), 8.17.200(A)(3), 8.17.200(A)(4) and 17.04.070 of this code any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, the violation of any such provision is a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment unless some other fine or penalty is stated in said chapter or section.

B. Except as provided in subsection A of this section, whenever in this code or in any other ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, the violation of any such provision of the city is, unless otherwise stated in this section, an infraction and shall be punishable by:

1. A fine not exceeding $200.00 for the first violation;
2. A fine not exceeding $250.00 for a second violation of the same ordinance within one year;
3. The third and each additional violation of the same ordinance within one year is a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment;
4. In addition to the monetary fines set forth above, both conditional sentencing and probation are authorized as a sentencing option in accordance with Penal Code Section 1203(a).

C. Each and every day during any portion of which any violation of this code or any other ordinance of the city is committed, continued or permitted shall be a separate offense.

D. Payment of a fine shall not excuse payment of any fee required by this code or any other city ordinance.

E. Nothing contained in this section shall preclude the city from enforcing the provisions of this code or any other ordinance through any other available methods including but not limited to abatement of public nuisances.

F. Nothing contained in this code shall abrogate the city attorney’s discretion to reduce to an infraction any act made unlawful pursuant to this chapter, if the city attorney determines such a reduction is warranted in the interest of justice. (Ord. CS-211 § 1, 2013; Ord. CS-153 § 7, 2011; Ord. CS-090 § 2, 2010; Ord. NS-861 § 1, 2007; Ord. NS-811 § 4, 2006; Ord. NS-394 § 1, 1997; Ord. NS-70 § 1, 1989; Ord. 1296 § 1, 1987; Ord. 5071 § 2, 1986; Ord. 1278 § 2, 1985; Ord. 1274 § 1, 1984; Ord. 6068 § 1, 1983; Ord. 5064 § 1, 1983; Ord. 1252 § 1, 1982; Ord. 1236 § 1, 1980)

1.08.020 Enforcement by community and economic development director.

A. The city manager or designee is authorized, pursuant to Penal Code Section 836.5, to arrest any person, without a warrant, whenever said employee has reasonable cause to believe that the person to be arrested committed an infraction or misdemeanor, in said employee’s presence, which is a violation of Title 6, 10, 13, 15, 18, or 21; Chapter 5.04, 5.24, 7.04, 7.12, 10.52, 11.08, 11.12, 11.16, or 11.36; or
Section 8.28.010, 8.28.030, 10.40.075, or 10.40.076 of this code, or any uncodified building or zoning ordinance of the city.

B. The city manager may deputize any city employee to exercise the power of arrest described in subsection A of this section if the employee has completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training pursuant to Penal Code Section 832. Nothing in this section authorizes any deputized employee to carry a firearm. (Ord. CS-164 § 14, 2011; Ord. CS-105 § 1, 2010; Ord. NS-625 § 12, 2002; Ord. NS-385 § 1, 1996; Ord. NS-370 § 1, 1996; Ord. 197 § 1, 1992)
Chapter 1.10

ADMINISTRATIVE CODE ENFORCEMENT REMEDIES

Sections:

Article I. General
1.10.005 Purpose and intent.
1.10.010 Definitions.
1.10.020 General enforcement authority.
1.10.030 Notice of violation.
1.10.040 Service of notices.
1.10.050 Notice of pending administrative enforcement action.
1.10.060 Remedies not exclusive.

Article II. Administrative Citations
1.10.070 Administrative citations.
1.10.080 Administrative citation procedures.
1.10.090 Contents of administrative citation.
1.10.100 Administrative citation penalties assessed.
1.10.110 Failure to pay administrative citation penalties.
1.10.120 Appeal of administrative citation.

Article III. Administrative Hearings
1.10.130 Administrative enforcement hearing procedures.
1.10.140 Administrative hearing officer.

Article I. General

1.10.005 Purpose and intent.
The council has determined that the enforcement of the municipal code and applicable state codes throughout the city is an important public service and is vital to the protection of the public’s health, safety and quality of life. The council has determined that there is a need for alternative methods of code enforcement and that a comprehensive code enforcement system uses a combination of judicial and administrative remedies to gain compliance with code regulations. The council finds that there is a need to draft precise regulations that can be effectively applied in judicial and administrative proceedings and further finds that there is a need to establish uniform procedures for the administrative enforcement hearings. (Ord. NS-591 § 1, 2001)

1.10.010 Definitions.
The following definitions shall apply in interpretation and enforcement of this chapter:

“Administrative code enforcement remedies” means administrative abatement, summary abatement, civil penalties, administrative citations, recordation of notices of violation and notices of noncompliance as contained in the municipal code.

“Administrative costs” means the administrative citation fines assessed, all costs incurred by the city from first discovery of the violations through the appeal process and until compliance is achieved, including, but not limited to, staff time in inspecting the property, sending notices, preparing and attending any appeal hearing.

“Administrative hearing officer” means any person appointed by the city manager, or designee, to preside at administrative hearings.

“Enforcement officer” means any city employee or agent of the city with the authority to enforce any provision of the municipal code.
1.10.020 General enforcement authority.

For the purposes of this chapter, the city manager or designated enforcement officer shall have the power to issue notices of violation and field citations, inspect public and private property and use whatever judicial and administrative remedies are available under the municipal code. (Ord. NS-591 § 1, 2001)

1.10.030 Notice of violation.

Whenever an enforcement officer determines that a violation of the municipal code exists, the enforcement officer may issue a notice of violation to a responsible party. The notice of violation shall include the following information:

A. The name of the owner of record of the property;
B. Street address;
C. The municipal code sections in violation;
D. A description of how the property’s condition violates the applicable municipal code section;
E. A list of necessary corrections to bring the property into compliance;
F. A deadline or specific date to correct the violations listed in the notice of violation;
G. A reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline including, but not limited to: criminal prosecution, civil injunction, administrative abatement, administrative citations, revocation of permits, recordation of the notice of violation, recordation of certificates of noncompliance and withholding of future municipal permits. (Ord. NS-591 § 1, 2001)

1.10.040 Service of notices.

A. Except for an initial notice of violation, whenever a notice is required to be given under the municipal code for enforcement purposes, the notice shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:

1. Personal service; or
2. Certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned; or
3. Posting the notice conspicuously on or in front of the property. The form of the post notice shall be approved by the city manager, or designee.
B. Service by certified or regular mail in the manner described above shall be effective on the date of mailing.
C. The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code.
D. The notice requirements in this section do not apply to initial notices of violation, which may be sent by regular mail. Service of a notice of violation by regular mail is effective on the date of mailing. (Ord. NS-591 § 1, 2001)

1.10.050 Notice of pending administrative enforcement action.
A. For purposes of this chapter the enforcement officer may record with the county recorder’s office a notice against a property, which is the subject of an administrative enforcement action pending with the city.
B. A notice of pending administration action shall be on a form approved by the city manager or designee and shall describe the nature of the administrative action and refer to the municipal code governing the pending administrative action. (Ord. NS-591 § 1, 2001)

1.10.060 Remedies not exclusive.
The procedures established in this chapter shall be in addition to criminal, civil or other legal remedies established by law which may be pursued to address violations of this municipal code or applicable state codes and the use of this chapter shall be at the sole discretion of the city. (Ord. NS-591 § 1, 2001)

Article II. Administrative Citations

1.10.070 Administrative citations.
A. For purposes of this chapter any person violating any provision of the municipal code may be issued an administrative citation by an enforcement officer as provided for in this chapter.
B. A continuing violation of the municipal code constitutes a separate and distinct violation each and every day that said violation exists.
C. A citation penalty shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the city.
D. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter. (Ord. NS-591 § 1, 2001)

1.10.080 Administrative citation procedures.
A. Upon discovering a violation of this code, an enforcement officer may issue an administrative citation to a responsible party in the manner prescribed in this chapter. The administrative citation shall be issued on a form prescribed by the city attorney.
B. Any party responsible for a violation of this code shall be provided a notice of violation prior to the issuance of an administrative citation. A notice of violation is not required before issuance of a second or any subsequent administrative citation for a continuing or repeated violation.
C. A second or subsequent notice of violation does not need to be issued to the same party if a notice of violation for the same or similar violation has been issued within the prior year period.
D. Failure to comply with any portion of a notice of violation may result in the issuance of an administrative citation.
E. If the responsible party is not an individual, the enforcement officer shall attempt to locate the owner and issue the owner an administrative citation. If the enforcement officer can only locate the manager or onsite supervisor, the administrative citation may be issued in the name of the entity and given to
said manager or onsite supervisor. A copy of the administrative citation shall also be mailed to the owner in the manner prescribed in Section 1.10.040 of this chapter.

F. Once the responsible party is located, the enforcement officer shall attempt to obtain the signature of that person on the administrative citation. If the responsible party refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

G. If the enforcement officer is unable to locate the responsible party for the violation, then the administrative citation shall be mailed to the responsible party in the manner prescribed in Section 1.10.040 of this chapter.

H. If no one can be located at the property, the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible party in the manner prescribed in Section 1.10.040 of this chapter.

I. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this chapter. (Ord. NS-591 § 1, 2001)

1.10.090 Contents of administrative citation.
A. The administrative citation shall refer to the date and location of the violations and the approximate time, if applicable, that the violations were observed.
B. The administrative citation shall refer to the municipal code sections violated and describe how the sections have been violated.
C. The administrative citation shall describe the action required to correct the violations.
D. The administrative citation shall require the responsible party to immediately correct the violations and shall explain the consequences of failure to correct the violations.
E. The administrative citation shall state the amount of penalty imposed for the violations.
F. The administrative citation shall explain how the penalty shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty.
G. The administrative citation shall identify all appeal rights.
H. The administrative citation shall contain the signature of the enforcement officer and the signature of the responsible party, if the responsible party can be located, as outlined in Section 1.10.080. (Ord. NS-591 § 1, 2001)

1.10.100 Administrative citation penalties assessed.
A. The penalty amount shall be assessed at a rate as adopted by resolution of the city council.
B. All penalties assessed shall be payable to the city within 30 days from the date of the administrative citation.
C. Any administrative citation penalty paid pursuant to this section shall be refunded in accordance with Section 1.10.140 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.
D. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the city.
E. If the responsible party fails to correct the violation, or has the same or similar violation within a one year period, subsequent administrative citations may be issued. The amount of the penalty shall increase at a rate specified by resolution of the city council. (Ord. NS-591 § 1, 2001)
1.10.110  Failure to pay administrative citation penalties.
A. The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation, without the filing of an appeal as provided in Section 1.10.120, shall result in the assessment of an additional late fee. The amount of the late fee shall be 100% of the total amount of the administrative penalty.
B. The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city. To enforce that debt, the city may file a civil action, improve a special assessment as set forth below, or pursue any other legal remedy to collect such money.
C. The city may impose a special assessment against the property that is the subject of a citation if the citation has been issued to the property owner. The city shall record a notice of lien in the office of the county recorder when the special assessment procedure is used. When so made and confirmed, the cost shall constitute a lien on that property for the amount of the assessment. After confirmation and recordation, a copy shall be turned over to the San Diego County tax collector. At that point, it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. Or, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law. (Ord. NS-591 § 1, 2001)

1.10.120  Appeal of administrative citation.
A. Any recipient of an administrative citation may contest the citation by completing a request for hearing form and returning it to the city within 30 days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to subsection E of this section. If the deadline falls on a weekend or city holiday, then the deadline shall be extended until the next regular business day.
B. A request for hearing form may be obtained from the city finance department (the “finance department”) or the department specified on the administrative citation.
C. The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.
D. If the enforcement officer submits an additional written report concerning the administrative citation to the administrative hearing officer at the hearing, then a copy of that report shall also be served on the person requesting the hearing at least five days prior to the date of the hearing.
E. Advance Deposit Hardship Waiver.
   1. Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required may file a request for an advance deposit hardship waiver.
   2. The request shall be filed with the finance department on an advance deposit hardship waiver application form available from the finance department, within 10 days of the date of the administrative citation.
   3. The requirement of depositing the full amount of the fine as required shall be stayed unless or until the finance department designee makes a determination not to issue the advance deposit hardship waiver.
   4. The finance department designee may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the cited party submits to the finance department a sworn affidavit, together with any supporting documents or materials, demonstrating to the satis-
faction of the finance department the person’s actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.

5. If the finance department determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the city within 10 days of the date of that decision or 30 days from the date of the administrative citation, whichever is later.

6. The finance department shall issue a written determination listing the reasons for the determination to issue or not issue the advance deposit hardship waiver. The written determination of the finance department shall be final.

7. The written determination of the finance department shall be served upon the person who applied for the advance deposit hardship waiver. (Ord. NS-591 § 1, 2001)

Article III. Administrative Hearings

1.10.130 Administrative enforcement hearing procedures.

A. Hearing Procedure.

1. No hearing to contest an administrative citation before an administrative hearing officer shall be held unless the fine has been deposited in advance or an advance deposit hardship waiver has been issued.

2. A hearing before the administrative hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed.

3. Notice of the administrative enforcement hearing shall be mailed to the appealing person in the manner prescribed by Section 1.10.040 of this chapter.

4. The failure of any person with an interest in the property, or other responsible party, to receive such properly addressed notice of the hearing shall not affect the validity of any proceedings under this chapter.

5. The failure of any recipient of an administrative citation to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

6. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

7. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

8. The administrative hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

9. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person’s rights to administrative determination of the merits of the citation and the amount of the penalty. If no appeal is filed, the citation shall be deemed a final administrative order.

B. Hearing Officer’s Decision.

1. After considering all of the testimony and evidence submitted at the hearing, the administrative hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the administrative hearing officer shall be final.

2. As part of the administrative citation enforcement order, the administrative hearing officer may reduce, waive or conditionally reduce the penalties or late fees assessed by the citation.
3. The administrative hearing officer may also impose conditions and deadlines to correct the violations or require payment of any outstanding penalties.

4. The administrative hearing officer may assess reasonable administrative costs incurred by the city as described in Section 1.10.010.

5. If the administrative hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

6. If the administrative hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the administrative hearing officer shall set forth in the decision a payment schedule for the fine.

7. If the administrative hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest at the average rate earned on the city's portfolio for the period of time that the fine amount was held by the city.

8. The recipient of the administrative citation shall be served with a copy of the administrative hearing officer's written decision.

9. The employment, performance evaluation, compensation and benefits of the administrative hearing officer shall not be directly or indirectly conditioned upon the amount of the administrative citation fines upheld by the administrative hearing officer.

C. Right to Judicial Review.

1. After receipt of the hearing officer's decision, the respondent may file an appeal with the municipal court for de novo review. The request for review shall be submitted within 20 days of the date that the citation is deemed a final administrative order. The request for review shall be submitted on a form prescribed by the court to the city, along with the applicable filing fee. The request for municipal court review shall state the reasons the party objects to the hearing officer's findings or decision.

2. A copy of the notice of violation and imposition of penalty shall be entered as prima facie evidence of the facts stated therein.

3. If the court finds in favor of the respondent, the amount of the fee shall be reimbursed to the respondent by the city. Any deposit of penalty shall be refunded by the city in accordance with the judgment of the court.

4. If the penalty has not been deposited, and the decision of the court is against the respondent, the city may proceed to collect the civil penalty in the manner provided by law. (Ord. NS-591 § 1, 2001)

1.10.140 Administrative hearing officer.

A. The city manager, or designee, shall promulgate rules and procedures as are necessary to establish a pool of qualified persons who are capable of acting on behalf of the city as administrative hearing officers.

B. Administrative hearing officers presiding at administrative hearings shall be appointed and compensated by the city manager, or designee. The city manager, or designee shall develop policies and procedures relating to the employment and compensation of administrative hearing officers.

C. Any person designated to serve as an administrative hearing officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law. Rules and procedures for the disqualification of an administrative hearing officer shall be promulgated by the city manager, or designee. (Ord. NS-591 § 1, 2001)
Chapter 1.12

ELECTIONS

Sections:
1.12.010 Candidate's filing fee.
1.12.020 Date for general municipal election.

1.12.010 Candidate’s filing fee.
A filing fee of $25.00 is established for a candidate’s nomination papers for elective offices at municipal elections held in the city. The filing fee shall be paid to the city clerk by each candidate for an elective office at the time the candidate’s nomination paper is filed with the city clerk. The city clerk shall pay to the city treasurer all fees received which shall be deposited in the general fund. Notwithstanding the provisions of this section, a candidate may, in accord with Section 8106 of the Elections Code, in lieu of all or part of the filing fee, submit a petition containing the signatures of four registered voters for each dollar of the filing fee. (Ord. NS-448 § 1, 1998; Ord. 1175 § 1, 1975; Ord. 1161 § 1, 1973)

1.12.020 Date for general municipal election.
Pursuant to Section 11403.5 of the California Government Code, the general municipal election for the city shall be held on the same day as the day of the statewide general election. (Ord. NS-448 § 2, 1998; Ord. 1259 § 1, 1982; Ord. 1242 § 1, 1982)
Chapter 1.13

ELECTION CAMPAIGN DISCLOSURE

Sections:
- 1.13.010 Purpose and intent.
- 1.13.020 Definitions.
- 1.13.025 Contributions—Disclosure.
- 1.13.026 Electronic filing of campaign disclosure.
- 1.13.030 Cash contributions prohibited.
- 1.13.040 Penalties and enforcement.
- 1.13.050 Rules of construction.

1.13.010 Purpose and intent.
This chapter is to supplement the provisions of the Political Reform Act of 1974 by requiring an additional campaign disclosure statement in municipal elections to insure that the city’s voters will be fully informed about the receipts of and expenditures by candidates and committees prior to such elections. The city council finds that this chapter is enacted in recognition of the power of a local agency to impose additional disclosure requirements as authorized by Government Code Section 81013, so long as they do not prevent a person from complying with the act. (Ord. NS-671 § 1, 2003; Ord. 1276 § 1, 1985)

1.13.020 Definitions.
The words and phrases used in this chapter shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state, as the act now exists or may hereafter be amended. (Ord. 1276 § 1, 1985)

1.13.025 Contributions—Disclosure.
A. No person shall knowingly accept any contribution or loan in excess of $100.00 without obtaining the name, address, occupation, employer’s name, or if self-employed, the name of the business of the person making the contribution or loan.
B. No person shall make a contribution or loan for any other person under an assumed name or under the name of any other person.
C. Contributions or loans, not to exceed a total of $100.00 from any one person or source, are permitted to be retained by a candidate or any committee including a committee supporting or opposing the passage of a measure, when received from anonymous sources or from persons who do not consent to having their name made known. Any such amount in excess of $100.00 shall be turned over to the city clerk and deposited into the city’s treasury within 10 days of receipt of the contribution.
D. Any candidate or committee that is required to file a campaign statement for a municipal election in Carlsbad pursuant to the Political Reform Act of 1974 shall, in addition to the information otherwise required, list the name, address, occupation, name of employer, or if self-employed, the name of the business, and amount contributed or loaned by each person who has contributed or loaned a cumulative amount in excess of $100.00. (Ord. NS-671 § 2, 2003; Ord. 1281 § 1, 1985)

1.13.026 Electronic filing of campaign disclosure.
Any elected officer, candidate, committee or other person required to file specified statements, reports, or other documents ("statements") with the city clerk as required by Chapter 4 (commencing with Section 84100 et seq.) of Title 9 of the California Government Code, also known as the Political Reform Act, and that has received contributions or made expenditures of $1,000.00 or more, may file such statements using the city clerk’s online system according to procedures established by the city clerk. These procedures shall en-
sure that the online system complies with the requirements set forth in Section 84615 of the Government Code.

During the period commencing with the effective date of Ordinance CS-258 and ending December 31, 2015, an elected officer, candidate or committee may choose to opt-in to the electronic filing system by electronically filing a statement that is required to be filed with the city clerk pursuant to Chapter 4 of the Political Reform Act.

To ensure reporting continuity, once a statement, report or other document is filed electronically on behalf of any elected officer, candidate, or committee as set forth in this section, all future statements, reports and other documents on behalf of that officer, candidate or committee shall be required to be filed electronically using the city clerk system.

Any elected officer, candidate, committee or other person who has electronically filed a statement, report, or other document using the city clerk’s online system is not required to file a copy of that document in paper format with the city clerk.

From and after January 1, 2016, elected officers, candidates and committees required to file statements must file such statements using the city clerk’s online system, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate or committee receives less than $1,000.00 in contributions and makes less than $1,000.00 in expenditures in a calendar year.

An elected officer, candidate, committee or other person may choose to opt-out of the electronic filing system by filing all original statements, reports or other documents in paper format with the city clerk. Electronic filing is not required until after an elected officer, candidate, committee or other person opts-in by electronically filing a statement, report or other document.

In any instance in which an original statement, report, or other document must be filed with the Secretary of State and a copy of that document is required to be filed with the city clerk, the filer may electronically file a copy with the city clerk, the filer may, but is not required to file the copy online or electronically.

If the city clerk’s system is not capable of accepting a particular type of statement, report or other document, an elected officer, candidate, committee or other person shall file that document in paper format with the city clerk.

The city clerk’s system shall make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt/deadline. The data made available on the Internet shall not contain the street name of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The city clerk’s office shall make a complete, unredacted copy of the statement available to the Fair Political Practices Commission for 87200 filers.

The city clerk’s office shall maintain records according to the city’s records retention schedule commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for the purpose of audits. (Ord. CS-258 § 2, 2014)

1.13.030 Cash contributions prohibited.
No candidate in a city municipal election shall accept a cash contribution of $100.00 or more. All such contributions shall be made by check. A candidate is required to make a copy of each such check received prior to negotiating it.

A cash contribution shall not be deemed received if it is not negotiated or deposited, and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported. If a cash contribution, other than a late contribution, as defined in Section 82036, is negotiated or deposited, it shall not be deemed received if it is refunded within 72 hours of receipt. In the case of a late contribution, as defined in Section 82036 (the Political Reform Act), it shall not be deemed received if it is returned to the contributor within 48 hours of receipt. (Ord. NS-800 § 1, 2006; Ord. NS-671 § 4, 2003; Ord. NS-58 § 1, 1989)
1.13.040 Penalties and enforcement.
The penalties and enforcement provisions of the Political Reform Act of 1974, Sections 91000 through 91014 of the Government Code of the state shall apply to any violation of the provisions of this chapter. Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor. For purposes of this chapter the district attorney of the county is the civil and criminal prosecutor. (Ord. 1276 § 1, 1985)

1.13.050 Rules of construction.
The provisions of this chapter shall be construed liberally in order to accomplish the intent and purposes of this chapter and the Political Reform Act of 1974. (Ord. 1276 § 1, 1985)
Chapter 1.14

DISQUALIFICATION FOR CONFLICT OF INTEREST

Sections:
1.14.010 Purpose and intent.
1.14.030 Conflict of interest—Disqualifications.
1.14.040 Penalties and enforcement.

1.14.010 Purpose and intent.
This chapter is to supplement the provisions of the Political Reform Act of 1974. The city council finds that this chapter regards a municipal affair, that there is nothing in this chapter that conflicts with the general laws of the state, and that the additional requirements imposed by this chapter pursuant to Government Code Section 81013 do not prevent a person from complying with said Act. (Ord. NS-38 § 1, 1988)

The words and phrases used in this chapter shall have the same meaning as defined in the Political Reform Act, 1974, Title 9 of the Government Code of the state, as said Act now exists or may hereafter be amended. (Ord. NS-38 § 1, 1988)

1.14.030 Conflict of interest—Disqualifications.
A. The regulations adopted by the Fair Political Practices Commission provide that a public official may not participate in a governmental decision when the official has an interest in real property which is located within a 500-foot radius of the boundaries or proposed boundaries of a property which is the subject of a decision before the official unless that decision will have no financial effect upon an official's interest.
B. This section imposes a stricter standard for all public officials and designated employees in the city who shall not participate in a decision when those public officials or designated employees have an interest in real property located within a 600-foot radius of the boundaries of the property which is the subject of a decision unless that decision will have no financial effect upon that interest. Except as modified by this section, all public officials and designated employees in the city shall comply in all other respects and with all other provisions of the material financial effect rules in the Commission’s regulations. (Ord. NS-575 § 1, 2001; Ord. NS-38 § 1, 1988)

1.14.040 Penalties and enforcement.
The penalties and enforcement provisions of the Political Reform Act of 1974, Sections 91000 through 91014 of the Government Code of the state shall apply to any violation of the provisions of this chapter. Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor. For purposes of this chapter, the district attorney of San Diego County is the civil and criminal prosecutor. (Ord. NS-38 § 1, 1988)

The provisions of this chapter shall be construed liberally in order to accomplish the intent and purposes of this chapter and the Political Reform Act of 1974. (Ord. NS-38 § 1, 1988)
Chapter 1.16

TIME LIMITS FOR JUDICIAL REVIEW

Sections:
1.16.010  Time limits for judicial review.
1.16.020  Additional time limits for commencement of court proceedings.

1.16.010  Time limits for judicial review.
A. Judicial review of any decision of the city or of any commission, board, officer, or agent of the city may be had pursuant to Code of Civil Procedure, Section 1094.5, only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

B. Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for the reconsideration of the decision, or for a written decision or written findings supporting the decision, in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date that it is announced. If the decision is not announced at the close of the hearing, the date, the time, and the place of the announcement of the decision shall be announced at the hearing. If there is a provision for reconsideration, the decision is final for the purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision, the decision is final for the purposes of this section on the date that reconsideration is rejected. If there is a provision for a written decision or written findings, the decision is final for the purposes of this section upon the date it is mailed by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing to the party seeking the writ. Subdivision (a) of Section 1013 of the California Code of Civil Procedure does not apply to extend the time, following deposit in the mail of the decision or findings, within which a petition shall be filed.

C. The complete record of the proceedings shall be prepared by the city or its commission, board, officer or agent which made the decision and shall be delivered to the party requesting such record within 190 days after he or she has filed a written request therefor. A request for the preparation of the record of the proceedings shall be filed with the person designated in the final decision. Such person shall, within 10 days of such request, notify the party of the estimated cost of the preparation of the requested record. The party requesting such record shall, within 10 days of such notification, deposit with the person designated in the decision an amount sufficient to cover the estimated cost. If during the preparation of the record it appears that additional costs will be incurred, the party requesting such record may be notified and, if requested, shall deposit such additional amounts before the record will be completed. If the cost of the preparation of the record exceeds the amount deposited, the party requesting such record shall pay this additional amount. If the amount deposited exceeds the cost, the difference shall be returned to the party requesting such record. Upon receiving the required deposit, the person designated in the decision shall promptly prepare such record in accordance with the request. Such record shall include the transcript of the proceedings; all pleadings; all notices and orders; any proposed decision by a hearing officer; the final decision; all admitted exhibits; all rejected exhibits in the possession of the city or its commission, board, officer or agent; all written evidence; and any other papers in the case.

D. If the party files a request for the record as specified in subsection C of this section within 10 days after the date the decision becomes final as provided in subsection B of this section, the time within which a petition pursuant to Code of Civil Procedure, Section 1094.5, may be filed shall be 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.

E. As used in this section, “decision” means any adjudicatory administrative decision made, after hearing, suspending, demoting or dismissing an officer or employee, revoking or denying an application for a
permit, license, or other entitlement, imposing a civil or administrative penalty, fine, charge, or cost or denying an application for any retirement benefit or allowance.

F. In making a final decision as defined in subsection E of this section, the city shall provide notice to the party that the time within which judicial review must be sought is governed by this section. Upon giving notice of any decision subject to this section, the person responsible to issue such decision shall include in the decision a statement substantially as follows:

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 judicial 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 of the proceedings accompanied by the required 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 the proceedings shall be filed with ______________,

(name and address of designated person)

As used in this section, “party” means an officer or employee who has been suspended, demoted or dismissed; a person whose permit or license or other entitlement has been revoked or suspended or whose application for a permit or license or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied. (Ord. NS-839 §§ 1—3, 2007; Ord. NS-327 § 1, 1995; Ord. NS-218 § 1, 1992; Ord. 1203 § 1, 1977)

1.16.020 Additional time limits for commencement of court proceedings.

Except as otherwise provided in Section 1.16.010 of this code, Sections 65860, 66020, 66021, 66022, 66024 and 66499.37 of the Government Code and Sections 21167 and 30801 of the Public Resources Code of the state, any legally permitted court action or proceeding to attack, review, set aside, void, annul or seek damages or compensation for any city decision or action taken pursuant to this code shall not be maintained by any person unless such action or proceeding is commenced and service of summons is effected within 30 days after the date of such decision or action. Thereafter all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision, proceeding, determination or actions taken. For the purpose of this section, the terms “decision,” “determination,” “action taken” and “action taken pursuant to this code” shall include administrative adjudicatory, legislative, discretionary, executive and administrerial decisions, determinations, proceedings or other action taken or authorized by this code. This section shall not expand the scope of judicial review and shall prevail over any conflicting provision and any other applicable law relating to the subject. (Ord. NS-839 § 4, 2007; Ord. 1216 § 1, 1979)
Chapter 1.20

CITY COUNCIL PROCEDURE

Sections:
1.20.010 Regular meetings.
1.20.020 Special meetings.
1.20.025 Emergency meetings.
1.20.030 Adjourned meetings.
1.20.050 Meetings to be public—Exceptions—Closed sessions.
1.20.060 Council agenda.
1.20.070 Correspondence—Availability to the public.
1.20.080 Correspondence—Authority of city manager.
1.20.090 Quorum.
1.20.100 Conduct of business.
1.20.110 Order of business.
1.20.120 Call to order—Presiding officer.
1.20.130 Roll call.
1.20.140 Reading of minutes.
1.20.150 Minutes.
1.20.160 Distribution of minutes.
1.20.170 Recordings of meetings.
1.20.180 Consent calendar.
1.20.190 Presiding officer.
1.20.200 Powers and duties of presiding officer.
1.20.210 Gaining the floor.
1.20.220 Questions to the staff.
1.20.230 Interruptions.
1.20.240 Points of order.
1.20.250 Point of personal privilege.
1.20.260 Privilege of closing debate.
1.20.270 Calling the question.
1.20.280 Protest against council action.
1.20.290 Request to address the council on items other than listed public hearing.
1.20.300 Purpose and intent—Addressing the council.
1.20.302 Addressing the council—Spokesperson for group of persons.
1.20.305 Opportunity for public to address the council—Nonagenda items.
1.20.310 Decorum and order—Council and city staff.
1.20.320 Public attendance and audience—Decorum and order.
1.20.330 Enforcement of decorum.
1.20.340 Voting procedures.
1.20.350 Disqualification for conflict of interest.
1.20.360 Failure to vote.
1.20.370 Tie vote.
1.20.380 Changing vote.
1.20.390 Reconsideration.
1.20.400 Preparation of ordinances.
1.20.410 Reading of ordinances and resolutions.
1.20.420 Public hearings—When held.
1.20.430 Public hearings—Procedure.
1.20.440 Public hearings—Evidence.
1.20.450 Public hearings—Continuation.
1.20.010 Regular meetings.
The city council shall hold regular meetings on the dates and times specified by resolution of the city council. If by reason of fire, flood or other emergency, it is unsafe to meet in the council chambers, the meetings may be held for the duration of the emergency at such other place as is designated by the mayor, or, if the mayor should fail to act, by three members of the city council. When the day for any regular meeting falls on a legal holiday, such meeting shall be held at the same hour and place on the next succeeding day not a holiday or such other time as designated by the city council. (Ord. CS-195 § 1, 2012; Ord. NS-534 § 2, 2000; Ord. 1273 § 1, 1984; Ord. 1213 § 2, 1979)

1.20.020 Special meetings.
Special meetings may be called at any time by the mayor or three members of the city council by delivering personally or by mail, facsimile, or electronic mail, written notice to each council member and to each local newspaper of general circulation, radio or television station having filed written request for such notice. Such notice must be delivered personally, or by mail, facsimile, or electronic mail, at least 24 hours before the time of such meeting as specified in the notice. The notice of the special meeting shall also be placed on the city’s website. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any council member who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. Such waiver may be given by telegram, facsimile, or electronic mail. Such written notice may also be dispensed with as to any council member who is actually present at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting on the council chambers door. (Ord. CS-195 § 1, 2012; Ord. NS-744 § 2, 2005; Ord. 1292 § 1, 1986; Ord. 1213 § 2, 1979)

1.20.025 Emergency meetings.
Notwithstanding anything in this code to the contrary, the city council may hold an emergency meeting pursuant to and in accordance with the provisions of Section 54956.5 of the California Government Code. (Ord. 1292 § 2, 1986)

1.20.030 Adjourned meetings.
All meetings may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened. Meetings may be adjourned by the mayor by a simple declaration thereof in the absence of a protest by any council member. Meetings may also be adjourned upon the making and seconding of such a motion in accordance with the procedures on motions established by this chapter. If a quorum is not present, less than a quorum may so adjourn a meeting. If all members of
the council are absent, the city clerk shall declare the meeting adjourned to a stated time and place and
shall cause a written notice of the adjournment to be given in the same manner as provided in Section
1.20.020 for special meetings. When any meeting is adjourned, the city clerk shall post notice of such ad-
journment on the council chamber door within 24 hours after the time of the adjournment. When a regular or
adjourned regular meeting is adjourned as provided in this section the resulting meeting is a regular meeting
for the purpose of transacting business. (Ord. 1292 § 3, 1986; Ord. 1213 § 2, 1979)

1.20.050 Meetings to be public—Exceptions—Closed sessions.
A. All meetings of the city council shall be open to the public provided, however, the city council may hold
closed sessions during any meeting from which the public and any person or entity having filed written
request for notice of meetings, may be excluded for the purpose of considering the matters, as author-
ized by Title 5, Division 2, Part 1, Chapter 9, Sections 54950 through and including 54961 of the Gov-
ernment Code of the State of California or other applicable law.
B. No member of the city council, employee of the city or any other person present during a closed ses-
sion of the council shall disclose to any person the content or substance of any discussion which took
place during said closed session unless the city council first authorizes the disclosure of such informa-
tion by a majority vote. (Ord. 1292 § 5, 1986; Ord. 1213 § 2, 1979)

1.20.060 Council agenda.
A. An agenda shall be prepared for each council meeting containing the time and place of the meeting,
the order of business and a general description, including the specific action requested to be taken by
the council, for each item of business to be transacted or discussed at the meeting. Items of business
may be placed on the agenda by the direction of a member of the council, the city manager or the city
attorney. Council originated items shall be submitted to the city manager by Friday, 12 days prior to the
scheduled council meeting. The city manager shall promptly give copies to the other members of the
city council for their review and comment. Comments must be returned to the city manager by
Wednesday, seven days prior to the scheduled council meeting. The city manager shall include any
such comments as a part of the agenda item. If time constraints require it the mayor may approve ex-
pedited processing for a council originated item provided copies are made available to the other mem-
bers of the council, the city attorney and the city manager as soon as the item is prepared and, to the
extent possible, any comments received shall be incorporated. Agenda items, including ordinances,
resolutions, contracts, staff reports or other matters to be submitted to the council, shall be delivered to
the city clerk not later than 5:00 p.m. on the Wednesday preceding the regular meeting. The clerk shall
thereafter prepare an agenda packet under the direction of the city manager. The agenda packet shall
be delivered to the council members on the Friday preceding the regular meeting and shall be made
available to the public at the office of the city clerk and shall be posted on the city’s website.
B. Any writings provided to all or a majority of all of the council members in connection with a matter sub-
ject to discussion or consideration at an open council meeting, are disclosable public records unless
specifically exempted from disclosure pursuant to California Government Code Sections 6253.5, 6254,
6254.3, 6254.7, 6254.15, 6254.16, 6154.22 or any other provision of law.
C. Any writings or documents which relate to an open session of a regular council meeting and are dis-
tributed to the council members less than 72 hours prior to that meeting, shall be made available for
public inspection at the office of the city clerk at the time the writing is distributed to all or a majority of
all of the council members. The agenda for each council meeting shall specify that writings described
by this section are available at the office of the city clerk and shall list the address for the office of the
city clerk.
D. A binder containing all agenda related writings and documents, including those described in subsection
C of this section will be held by the deputy city clerk at each council meeting and will be available for
public review.
E. All agenda items, ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or authorized representative, and shall have been examined and approved for administration by the city manager or authorized representative, where there are substantive matters of administration involved.

F. At least 72 hours before a regular meeting, the city clerk shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted at City Hall and at the meeting place if not City Hall. The agenda shall also be placed on the city’s website. The city clerk shall prepare and file a signed declaration of the time and place of posting and a certified copy of the posted agenda. Except as provided in subsection I of this section no business shall be transacted or discussed at the meeting on any item not appearing on the posted agenda. A direction of the mayor with the consent of the council to refer a matter raised by a member of the public to staff for a report or to place a matter on a future agenda shall not constitute action.

G. The order of business established on the agenda shall be followed unless the mayor, with the consent of a majority of the council permits a matter to be taken out of the regular agenda order.

H. An agenda may be prepared for adjourned meetings in the same manner as for regular meetings, as set forth in subsection A of this section.

I. The city council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions:
   1. An item has been continued by the council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item.
   2. Upon a determination by a two-thirds vote of the council, or if less than two-thirds of the members are present a unanimous vote of those present that the need to take action arose after the agenda was posted.
   3. Upon a determination by the council that an emergency exists. For purposes of this section “emergency” means a crippling disaster, work stoppage or other activity which severely impairs public health, safety or both, where prompt action is necessary due to the disruption or threatened disruption of public facilities as determined by a majority of the members of the council. (Ord. CS-195 § 1, 2012; Ord. NS-887 § 1, 2008; Ord. NS-22 § 1, 1988; Ord. 1292 § 6, 1986; Ord. 1233 § 1, 1980; Ord. 1213 § 2, 1979)

1.20.070 Correspondence—Availability to the public.
Correspondence addressed to the city council which is received by the city clerk or any other officer or employee of the city shall not be a matter of public record unless it is received and filed by the council at a regular, special, or adjourned meeting of the council. Correspondence shall not be read aloud at a council meeting unless requested by majority vote of the council. (Ord. 1213 § 2, 1979)

1.20.080 Correspondence—Authority of city manager.
A. The city manager is authorized to open and examine all mail or other written communications addressed to the city council, except correspondence addressed to individual council members, and to give it warranted attention to the end that all administrative business referred to in said communications and not requiring council action may be acted upon between council meetings; provided, that all communications and any action taken pursuant thereto shall be reported to the city council.

B. The city manager’s office and city clerk’s office shall coordinate on mail received by the city clerk’s office in order to effectively accomplish the purposes of this section.

C. Correspondence concerning a matter on an agenda for consideration by the council, which is received prior to 12:00 noon on Thursday preceding the meeting, shall be made a part of the agenda item.
Correspondence requiring council action shall be placed on an agenda as soon as practicable, together with a report and recommendation from the city manager. (Ord. 1292 § 7, 1986; Ord. 1213 § 2, 1979)

**Quorum.**

Three members of the council shall constitute a quorum for the transaction of business. Motions may be passed by a majority of the quorum, but ordinance, resolutions and orders for the payment of money require at least three affirmative votes. Less than a quorum may adjourn from time to time. Where there is no quorum, the mayor, mayor pro tem or any member of the council shall adjourn such meeting, or if no member of the council is present, the city clerk shall adjourn the meeting. For the purpose of considering any item subject to vote of the council, when a member of the council is disqualified due to a conflict of interest, the council member's presence shall not be considered in determining the presence of a quorum. Consideration on such item shall be deferred until a quorum of noninterested council members are present to discuss and vote on them if a disqualification reduces those in attendance to less than a quorum. (Ord. NS-709 § 1, 2004; Ord. NS-597 § 2, 2001; Ord. 1213 § 2, 1979)

**Conduct of business.**

At the time set for each regular meeting, each member of the council, the city manager, city clerk, city attorney and such department heads or others as have been requested to be present shall take their regular places in the council chambers. The business of the council shall be conducted in substantially the order and in the manner provided in this chapter. (Ord. 1213 § 2, 1979)

**Order of business.**

The business of the council shall be taken up for consideration and disposition in the following order:

A. Call to order;
B. Roll call;
C. Invocation;
D. Pledge of allegiance;
E. Approval of minutes;
F. Special presentations;
G. Consent calendar;
H. Ordinances for introduction;
I. Ordinances for adoption;
J. Public hearings;
K. Adjournment to other agency meetings;
L. Departmental and city manager reports;
M. City council additional business;
N. City attorney additional business;
O. City manager additional business;
P. Announcements;
Q. Adjournment.

Public comment as provided in Section 1.20.305 will be taken during the regular order of business at such time as the city council by motion shall determine. All other business shall be considered in the order shown above unless modified as provided for in this chapter. (Ord. NS-744 § 3, 2005; Ord. 1298 § 1, 1987; Ord. 1292 § 8, 1986; Ord. 1213 § 2, 1979)
1.20.120 Call to order—Presiding officer.
The mayor, or in the mayor’s absence, the mayor pro tem, shall take the chair at the hour appointed for the meeting and shall call the council to order. In the absence of the mayor and mayor pro tem, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the council members present. Upon the arrival of the mayor or the mayor pro tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the council. Whenever the term “mayor” is used in this chapter, and the mayor is absent, it shall apply equally to the mayor pro tem, and if the mayor is also absent, to the presiding officer elected pursuant to this section. (Ord. NS-597 § 3, 2001; Ord. 1213 § 2, 1979)

1.20.130 Roll call.
Before proceeding with the business of the council, the city clerk shall call the roll of the council members and the names of those present shall be entered in the minutes. (Ord. 1213 § 2, 1979)

1.20.140 Reading of minutes.
Unless the reading of the minutes of a council meeting is requested by a member of the council, the minutes may be approved without reading if the clerk has previously furnished each member of the council with a copy thereof. (Ord. 1213 § 2, 1979)

1.20.150 Minutes.
A. The minutes of the council shall be kept by the city clerk and shall be electronically produced, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided, that the city clerk shall be required to make a record only of such business as was actually passed upon a vote of the council and shall not be required to make a verbatim transcript of the proceedings; and provided further, that a record shall be made of the names and addresses of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.

B. A council member may request, through the mayor, the privilege of having an abstract of the council member’s statement on any subject under consideration by the council entered in the minutes. If there is no objection from any member of the council, such statement shall be entered in the minutes. (Ord. NS-744 § 4, 2005; Ord. 1213 § 2, 1979)

1.20.160 Distribution of minutes.
As soon as possible after each meeting, the city clerk shall furnish a copy of the minutes to each council member, the city manager, city attorney, and any other individuals designated by the city manager. (Ord. 1213 § 2, 1979)

1.20.170 Recordings of meetings.
A. The city clerk may record city council meetings as an aid in the preparation of minutes. If recordings are made, they shall be retained by the city clerk until such time as the minutes have been approved by the city council. Upon such approval of the written minutes by the city council, the city clerk may reuse or erase such recordings unless specifically requested by the city council or the city attorney to retain such recordings at the time the minutes are approved.

B. While the city clerk has the recordings in his or her possession, members of the public may hear the recordings of the city council meetings during office hours when it will not inconvenience the ordinary operation of the clerk’s office; brief or shorthand notes may be made; mechanical recordings may be made from the recordings until the minutes are approved unless the recording is retained according to subsection A of this section; and in this connection, the city clerk is further authorized to allow the equipment to be used by the public for listening or recording purposes when such equipment is not
necessary for use by the city clerk in the ordinary function of the office. Except as provided for in Chapter 1.16, unless a request to prepare a transcript is timely submitted and accepted, the city clerk is not authorized to provide a transcript of any recording. The city clerk may establish rules and regulations necessary to protect the safety of the records against theft, mutilation or accidental damage, to prevent inspection or recording from interfering with the orderly function of the office, and to ensure that the integrity of the records is maintained. The city clerk may charge a fee to cover the cost, including labor and materials, of but not limited to providing records and administering this provision.

C. If any person wishes a record of the city council meeting, or any portion thereof, a request therefor shall be filed with the city clerk 24 hours prior to the meeting. If such a request is received, the city clerk shall make arrangements to make and preserve such a record at the expense of the person making the request.

D. If any person desires to have a matter reported by a stenographer reporter, such person may employ one directly at the person's expense. (Ord. NS-744 § 5, 2005; Ord. NS-4 § 1, 1988; Ord. 1240 § 1, 1981; Ord. 1213 § 2, 1979)

1.20.180 Consent calendar.
Certain items for inclusion on the agenda which have been reviewed by the city manager, delivered to the city council and made available to the public prior to the council meeting, shall be grouped together for action and listed under the consent calendar, when such matters are considered to be noncontroversial and in the nature of housekeeping items by the city manager, requiring only routine action by the council. Actions recommended by the city manager shall be in summary form and be a part of that item. Adoption of the consent calendar may be made by one motion approved by the council; provided, however, that the mayor should first advise the audience that the consent calendar matters will be adopted in total by one action of the council unless any council member or any individual or organization who has so requested wishes to be heard on one or more consent items. In that event, the mayor may defer action on the particular matter or matters and place them on the regular agenda for consideration in any order deemed appropriate. A request from the public to discuss an item must be filed with the city clerk in writing prior to council consideration of the consent calendar.

The written agenda available to the public and to the city council shall provide the following notice of explanation to the public concerning the consent calendar:

All matters listed under CONSENT CALENDAR are considered by the council to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of 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 to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the City Clerk in writing prior to Council consideration of the Consent Calendar.

Members of the public who have requested permission to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Mayor, state their name, address and Consent Calendar item number. (Ord. 1213 § 2, 1979)

1.20.190 Presiding officer.
The mayor shall be the presiding officer at all meetings of the city council. (Ord. 1213 § 2, 1979)

1.20.200 Powers and duties of presiding officer.
The presiding officer may move, second, debate, and vote from the chair. The presiding officer shall not be deprived of any of the rights and privileges of a council member by reason of acting as presiding officer. The presiding officer or such person as the presiding officer may designate may verbally restate each question immediately prior to calling for the vote. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer shall be responsible for the maintenance of order
and decorum at all meetings. He or she shall decide all questions of order and procedure, subject, however, to an appeal to the council in which case the matter shall be determined by majority vote of the council. The presiding officer shall sign all ordinances, resolutions, contracts, and other documents necessitating the presiding officer’s signature which were adopted in his or her presence, unless the presiding officer is unavailable, in which case an alternate presiding officer may sign such documents. (Ord. 1213 § 2, 1979)

1.20.210 Gaining the floor.
Every council member desiring to speak shall first address the chair, gain recognition by the presiding officer, and shall confine him or herself to the question under debate, avoiding reference to character and indecorous language. (Ord. 1213 § 2, 1979)

1.20.220 Questions to the staff.
Every council member desiring to question the city staff shall, after recognition by the presiding officer, address his or her questions to the city manager, or the city attorney, who shall be entitled either to answer the inquiry him or herself or to designate a member of his or her staff for that purpose. (Ord. 1213 § 2, 1979)

1.20.230 Interruptions.
A council member, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, or unless a point of order or personal privilege is raised by another council member, or unless the speaker chooses to yield to a question by another council member. If a council member while speaking is called to order, the council member shall cease speaking until the question of order is determined, and if determined to be in order, the council member may proceed. Members of the city staff, after recognition by the presiding officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer. (Ord. 1213 § 2, 1979)

1.20.240 Points of order.
The presiding officer shall determine all points of order subject to the right of any council member to request full council ruling, and the question shall be, “Shall the decision of the Presiding Officer be sustained?” A majority vote shall conclusively determine such question of order. (Ord. 1213 § 2, 1979)

1.20.250 Point of personal privilege.
The right of a council member to address the council on a question of personal privilege shall be limited to cases in which the council member’s integrity, character or motives are questioned or where the welfare of the council is concerned. A council member raising a point of personal privilege may interrupt another council member who has the floor only if the presiding officer recognizes the privilege. (Ord. 1213 § 2, 1979)

1.20.260 Privilege of closing debate.
Subject to the provisions of Section 1.20.270, the council member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate, subject to a council majority ruling that debate should continue. (Ord. 1213 § 2, 1979)

1.20.270 Calling the question.
A member of the council who wishes to terminate discussion of a motion may call for the question. If the call is seconded, the presiding officer shall ask for a vote. If the call carries, the council shall then vote on the motion without further discussion. (Ord. 1213 § 2, 1979)
1.20.280 Protest against council action.
Any council member shall have the right to have the reasons for his or her dissent from, or protest against, any action of the council entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons..." (Ord. 1213 § 2, 1979)

1.20.290 Request to address the council on items other than listed public hearing.
A. It is the policy of the council to permit limited presentations by members of the public on nonpublic hearing agenda items. The presiding officer may, in the absence of objection by a majority of the council members present, decline to permit such presentations on any particular nonpublic hearing item.
B. Any person or group of persons desiring to address the council on a nonhearing matter must file a written request for permission to address the council which must be filed with the city clerk in advance of the council’s consideration of that item. The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.
C. Each person desiring to address the council shall approach the podium, state the subject that the person wishes to discuss, city of residence, and the person’s name and/or party he or she is representing (unless otherwise determined by the city attorney to be unnecessary). A speaker’s remarks are limited to five minutes but may be shortened to three minutes or such shorter time as appropriate under the circumstances and when announced by the mayor or at the commencement of the item when, in the opinion of the mayor or majority of the city council, the length and duration of public comments on a public hearing item would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the mayor. The mayor shall not permit any communication, oral or written, to be made or read where it does not bear directly on the agenda item then under discussion.
D. After a motion has been made, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the city council.
E. No person shall address the council without first securing the permission of the presiding officer. (Ord. CS-96 § 1, 2010; Ord. NS-770 § 1, 2005; Ord. 1222 § 1, 1979; Ord. 1213 § 2, 1979)

1.20.300 Purpose and intent—Addressing the council.
Our society has long recognized that it is important for citizens of any community to have the ability to address their elected officials. To that end, the City of Carlsbad has enacted decorum ordinances to facilitate such activities at council meetings. These ordinances are designed to allow for public input but retain the recognition that city business and the needs of all the people necessarily require some limitations. Clearly, the more orderly a meeting, the more time members of the council will have to adequately consider and address any issues raised. Dissent at public meetings is also a recognized concept in a free society. It is one of the ways in which concerns about pending issues can be expressed, and without which the nature or extent of those concerns might result in less than informed decisions. But it is equally important to recognize that dissent is not without limitations. If anyone who wished to move a public meeting toward a particular position could disrupt the proceedings whenever they felt moved to do so, the rights of all others and the business of a city would soon stagnate and the actions themselves would tend to imperil the very freedoms we all seek. It is therefore important to remember that no one has a constitutional right to disrupt a public meeting by attempting to impose their own voice or actions in a manner that is loud, boisterous, or unruly where such conduct is substantially disruptive of the meeting itself, not in compliance with the rules set forth for the governance of the such meetings, and continues after the mayor has requested the person or persons to stop. The issue in such cases is not about the content of speech, unless the content itself violates the law, but rather with the extent of disruption caused to the meeting itself by the manner and conduct of the speaker’s actions. (Ord. CS-153 § 3, 2011)
1.20.302  Addressing the council—Spokesperson for group of persons.
A. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to require that a spokesperson be chosen from the group to address the council. If additional matters are to be presented by any other members of the group, the presiding officer may limit the number of such persons and limit the presentation to information not already presented by the group spokesperson.
B. For items other than those listed on the agenda for public hearing, groups of persons shall be limited to a total presentation period of 10 minutes. The presiding officer shall first call for representatives of groups in favor of the matter under consideration and then for those persons in opposition to the matter under consideration, and thereafter shall allow a rebuttal time limited to five minutes to the proponents who shall confine rebuttal remarks to answering comments made in opposition and not the introduction of new testimony. Further time may be granted by majority vote of the council. (Ord. CS-153 § 2, 2011; Ord. 1213 § 2, 1979)

1.20.305  Opportunity for public to address the council—Nonagenda items.
A. Every agenda for a regular council meeting shall provide a period for members of the public to address the council on items of interest to the public that are not on the agenda but are within the jurisdiction of the city council.
B. Speakers shall be limited to three minutes each with the total time for all speakers not to exceed 15 minutes unless additional time is granted by majority vote of the council. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the city clerk. Speakers will be called in the order reserved within the available time. The mayor with the consent of the council may, if time permits, allow persons to speak who have not filed a written request to reserve time.
C. Each person desiring to address the council shall approach the podium, state the subject he or she wishes to discuss, city of residence, and person’s name and/or party the person is representing (unless otherwise determined by the city attorney to be unnecessary). All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the presiding officer. The presiding officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the city council. (Ord. NS-770 §§ 2, 3, 2005; Ord. 1292 § 9, 1986)

1.20.310  Decorum and order—Council and city staff.
While the council is in session, the council members and city staff shall observe good order and decorum and shall not by conversation or otherwise, improperly delay or interrupt the proceedings nor refuse to obey the directives of the mayor as authorized under this chapter. (Ord. CS-153 § 4, 2011; Ord. 1213 § 2, 1979)

1.20.320  Public attendance and audience—Decorum and order.
Members of the public attending council meetings shall observe the same rules of order and decorum applicable to the city council and staff. Any person wishing to address the council is responsible for familiarizing him or herself with the rules and ordinances applicable to council meetings. Copies of those requirements are available on file in the office of the city clerk and on the city’s website. (Ord. CS-153 § 5, 2011; Ord. 1213 § 2, 1979)

1.20.330  Enforcement of decorum.
A. The chief of police or such member of the police department as the chief, or authorized agent, may designate, shall be sergeant-at-arms of the city council and said person shall attend meetings at the request of the mayor, the city manager, or a majority of the city council. The sergeant-at-arms shall be available to respond to all meetings immediately upon call. The sergeant-at-arms shall carry out all orders authorized under this chapter that are given by the mayor for the purpose of maintaining order
and decorum at the council meetings. The sergeant-at-arms may, at any time, request assistance from other members of the police department to accomplish that purpose. Any council member may move to require the mayor to enforce the rules, and the affirmative vote of a majority of the council members present shall require him or her to do so.

B. Any person, including any member of the council or city staff, who by voice or conduct engages in loud, boisterous, or unruly behavior that substantially disrupts a council meeting, that does not comply with the rules of set forth in this chapter for governance of such meeting, and continues after the mayor has requested such person(s) to stop, is engaging in unlawful conduct and, except as set forth in subsections C and D of this section, shall constitute an infraction.

C. Any person arrested under subsection B of this section and who thereafter returns to the same meeting and again violates the provisions of subsection B of this section, commits a misdemeanor.

D. Any person previously convicted under subsection B of this section, who again violates the provisions of subsection B of this section, commits a misdemeanor. (Ord. CS-153 § 6, 2011; Ord. 1213 § 2, 1979)

1.20.340 Voting procedures.
A. Voting shall be conducted by the use of the voting light system installed in the council chambers. A red light designates a “No or Negative” vote, a green light designates a “Yes or Affirmative” vote, and an amber light designates a vote to “Abstain.”

B. The council may at any time, or from time to time, dispense with the use of the voting light system by voice vote of the majority. In such an event, voting shall be conducted by voice vote until such time as a determination is made to again use the voting light system, or some other system.

C. When the council is voting the voice vote, a negative vote shall be registered by the oral statement of “NO” by the council member voting. Affirmative vote shall be registered by the oral statement of “YES” or “AYE” by the council member voting. (Ord. 1213 § 2, 1979)

1.20.350 Disqualification for conflict of interest.
If a council member has reason to think a conflict of interest may exist, the council member shall give the facts of the matter to the city attorney and request advice thereon prior to the meeting. Any council member who is disqualified from voting on a particular matter by the reason of a conflict of interest or a potential conflict of interest and immediately prior to the consideration of matter, shall:

A. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

B. Recuse himself or herself from discussing and voting on the matter.

C. Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the consent calendar.

D. A council member may address the council notwithstanding a conflict during the time that the general public speaks on the issue.

A council member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter. (Ord. NS-659 § 1, 2003; Ord. 1213 § 2, 1979)

1.20.360 Failure to vote.
Every council member should vote unless disqualified by reason of conflict of interest. A council member who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon. (Ord. 1213 § 2, 1979)
1.20.370 Tie vote.
Tie votes or a vote lacking the required number of affirmative votes shall constitute “no action,” and the matter voted upon remains before the council and is subject to further council consideration. If the city council is unable to take action on a matter before it because of a tie vote or the lack of the required number of votes, the city clerk shall place the item on the next regular meeting of the city council for further consideration except matters involving development applications which are before the council by virtue of a recommendation or appeal from the planning commission or design review board, in which case if a final decision of the city council is not reached within a reasonable time, not to exceed 60 days, the matter shall be deemed denied. During this 60-day period, any council member may make a written request that the matter be restored to the council’s agenda. (Ord. NS-626 § 1, 2002; Ord. 1213 § 2, 1979)

1.20.380 Changing vote.
A council member may change his or her vote only if a timely request to do so is made immediately following the announcement of the vote by the presiding officer and prior to the time the next item in the order of business is taken up. A council member who publicly announces that he or she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his or her abstention. (Ord. 1213 § 2, 1979)

1.20.390 Reconsideration.
A. A motion to reconsider any action taken by the council may be made only at the meeting such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made only by one of the council members who voted with the prevailing side. Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.

B. A motion to rescind, repeal, cancel or otherwise nullify prior council action shall be in order at any subsequent meeting of the council. The effect of such action shall operate prospectively and not retroactively and shall not operate to adversely affect individual rights which may have been vested in the interim. (Ord. 1213 § 2, 1979)

1.20.400 Preparation of ordinances.
All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless requested by a council member, the mayor, city manager, or prepared by the city attorney on his or her own initiative. (Ord. 1213 § 2, 1979)

1.20.410 Reading of ordinances and resolutions.
At the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the council. If any council member so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading. (Ord. 1213 § 2, 1979)

1.20.420 Public hearings—When held.
A. Wherever by law the city council is required to hold a public hearing on any matter before it, such hearing will be held in accordance with the rules and procedures set forth in this chapter. Nothing in this chapter shall prohibit or limit the city council from holding a public hearing on any matter before it, whether required by law or not, and nothing in this chapter shall prohibit or limit any member of the public from addressing the council in accordance with the procedures provided for in this chapter, irrespective of whether or not a public hearing is being held.

B. All public hearings shall be scheduled to begin at a time certain which shall be the hour the council convenes. The council shall hold such hearings in order, in accordance with the schedule on the agenda at that time, or as soon thereafter as practicable. If the hearing is continued to a time less than
24 hours after the time specified in the notice of such hearing a notice of continuance shall be posted immediately after the meeting on the council chamber doors. (Ord. 1292 § 10, 1986; Ord. 1213 § 2, 1979)

1.20.430 Public hearings—Procedure.

A. The presiding officer shall announce that it is the time and place for a public hearing scheduled on the agenda.

B. Prior to all city council public hearings, copies of the council's agenda with attachments, including the staff report, if any, shall be available at the office of the city clerk at least 24 hours prior to commencement of the hearing; provided, however, the council may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.

C. The order of the hearing shall be as follows unless otherwise required by law:
   1. Presentation of staff and/or planning commission report;
   2. Questions from the council;
   3. Presentation by the applicant, if any;
   4. Testimony of people in favor;
   5. Testimony of people in opposition;
   6. Rebuttal of applicant.

D. An individual speaker shall be allowed five minutes to address the city council except it may be shortened to three minutes or such other time limit as appropriate when announced by the mayor at the commencement of the public hearing when, in the opinion of the mayor or majority of the city council, the length and duration of the public testimony would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. In addition:
   1. A written request to speak shall not be required;
   2. The time limit for groups shall be 20 minutes;
   3. The applicant shall have 20 minutes.

E. The presiding officer may, dependent upon the necessity for insuring adequate presentation of testimony and evidence to provide a fair hearing, set longer time limits than otherwise allowed by this chapter. The decision of the presiding officer may be appealed to the council. (Ord. CS-096 § 2, 2010; Ord. 1213 § 2, 1979)

1.20.440 Public hearings—Evidence.

A. During the public hearing, the council shall receive oral or written evidence relevant to the matter being considered which shall become part of the record. The presiding officer, or any member of the council through the presiding officer, may require the city clerk to swear any person giving evidence at the time of the hearing on the matter under consideration, if in the opinion of the presiding officer or any member of the council, the oath is necessary. Evidence received at public hearings provided for in this ordinance shall be relevant and material to the issues before the council; provided, however, that the rules of evidence as established by the Evidence Code for the State of California shall be substantially relaxed in order to afford a full presentation of the facts essential for judicious consideration by the council of the matter which is the subject of the public hearing. Failure on the part of the city council to strictly enforce rules of evidence or to reject matters which may be irrelevant or immaterial shall not affect the validity of the hearing. Any procedural errors which do not affect the substantial rights of the parties shall be disregarded. The council may order the city clerk to issue, and the chief of police or representative to serve, subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled public hearing as provided for in this chapter. Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such
1.20.450 Public hearings—Continuation.

At any time that it appears to the presiding officer or a majority of the council through the presiding officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the council at the time of a public hearing, or for other just cause, a continuation of said hearing may be ordered to afford the applicant, his or her opponents, or the city staff adequate time to assemble additional evidence for the council's consideration. Any continuation ordered by the council through its presiding officer shall be to a date certain, which said date shall be publicly announced in the council chamber and shall constitute notice to the public of the time and place that further evidence will be taken. A public hearing may be continued in the event the matter is to be returned to the planning commission for further consideration. In this event, the presiding officer shall publicly state in open council meeting the fact that the matter has been returned to the planning commission for consideration and that the council hearing will be continued on a date certain. The public announcements provided for in this section shall constitute notice to the applicant and his or her opponents of time and place when further evidence will be taken by the council. The council shall also have the option to set the matter to a hearing de novo. (Ord. 1213 § 2, 1979)

1.20.460 Public hearings—Closing.

When neither the applicant, his or her opponents, nor the city staff have further evidence to produce, or when the opinion of the presiding officer or the majority of the council through the presiding officer sufficient evidence has been presented, the presiding officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the council; provided, however, that this rule may be relaxed by the presiding officer or the majority of the council through the presiding officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing. (Ord. 1213 § 2, 1979)

1.20.470 Public hearings—Reopening.

A public hearing on any matter once closed cannot be reopened on the date set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the council. No public hearing may be reopened without due and proper notice being given to the applicant and his or her opponents designating the time and place of said reopening. (Ord. 1213 § 2, 1979)
1.20.480  **Public hearings—Decision.**

A. The city council shall consider all evidence properly before them in accordance with this chapter. The council shall then indicate its intended decision and instruct the city attorney to return with the documents necessary to effect that decision, including findings as may be appropriate to the matter. Upon return of such documents, the council shall determine if the findings are supported by the evidence before it at the hearing, and if the decision is supported by the findings, and after making any changes render its decision by taking action on the documents. The city council’s decision is not final until adoption of the documents.

B. A council member who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless the council member has examined all the evidence, including listening to a recording of the oral testimony or reviewing a videotape or other electronic medium of the proceedings and can represent that he or she has a full understanding of the matter. (Ord. NS-709 § 2, 2004; Ord. 1213 § 2, 1979)

1.20.490  **Motions.**

A. A motion is the formal statement of a proposal or question to the council for consideration and action. Every council member has the right to present a motion. A motion is generally not to be considered as a legislative action of the council, but is in the nature of direction or instruction; however, a motion will generally suffice unless a resolution is specifically called for by law or unless there is some reason for desiring the particular action formalized by separate instrument.

B. If a motion contains two or more divisible propositions, the presiding officer may divide the same.

C. If a motion is properly made, the presiding officer shall call for a second. No further action is required on a motion which does not receive a second.

D. When a motion is made and seconded, it shall be restated by the mayor before a vote.

E. A motion once before the council may not be withdrawn by the maker without the consent of the second. (Ord. 1213 § 2, 1979)

1.20.500  **Precedence of motions.**

A. When a main motion is before the council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

1. Adjourn;
2. Recess;
3. Table;
4. Previous question;
5. Limit or extend debate;
6. Refer to committee or staff;
7. Substitute;
8. Amend;
9. Postpone;
10. Main motion.

B. The order of preference in subsection A of this section is subject to the following restrictions:

1. A motion shall not be in order which repeats a motion made previously at the same meeting unless there has been some intervening council action or discussion.
2. A motion shall not be in order when the previous question has been ordered.
3. A motion shall not be in order while a vote is being taken.
4. A motion shall not be in order when made as an interruption of a council member while speaking. 

(Ord. 1213 § 2, 1979)

1.20.510 Particular motions, purpose and criteria.
The purpose and salient criteria of the motions listed in Section 1.20.500 is as follows:

A. Motion to adjourn:
   1. Purpose. To terminate a meeting.
   2. Debatable or Amendable. No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.

B. Motion to recess:
   1. Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.
   2. Debatable or Amendable. Yes, but restricted as to time or duration of recess.

C. Motion to table:
   1. Purpose. To set aside, on a temporary basis, a pending main motion; provided that, it may be taken up again for consideration during the current meeting or at the next regular meeting.
   2. Debatable or Amendable. It is debatable but not amendable.

D. Motion for previous question:
   1. Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion passes, a vote shall be taken on the pending motion or motions.
   2. Debatable or Amendable. No.

E. Motion to limit or extend debate:
   1. Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.
   2. Debatable or Amendable. Not debatable; amendments are restricted to period of time of the proposed limit or extension.

F. Motion to refer to committee or staff:
   1. Purpose. To refer the question before the council to a committee or to the city staff for the purpose of investigating or studying the proposal and to make a report back to the council. If the motion fails, discussion or vote on the question resumes.
   2. Debatable or Amendable. Yes.

G. Substitute motion:
   1. Purpose. To strike out the one main motion and insert another main motion in its place which may be done so long as it is related to the subject of the original motion.
   2. Debatable or Amendable. The substitute motion is left unacted on until the council members have the opportunity to perfect the main motion by amendments if desired. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.

H. Amend:
   1. Purpose. To modify or change a motion that is being considered by the council so that it will express more satisfactorily the will of the members. If the motion passes, then the main motion should be voted on as amended.
1.20.520

2.  Debatable or Amendable. It is debatable unless applied to an undebatable main motion. It is amendable.

I.  Motion to postpone:

   1.  Purpose. To prevent further discussion and voting on the main motion until a future date or event. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again until the specified date or event.
   2.  Debatable or Amendable. It is debatable but not amendable.

J.  Main motion:

   1.  Purpose. The primary proposal or question before the council for discussion and decision.
   2.  Debatable or Amendable. Yes. (Ord. 1213 § 2, 1979)

1.20.520  Resolutions.
In most cases, a resolution is little more than a formal motion set forth in a formal document. In some matters, such as an assessment proceeding, general plan amendment or the grant or denial of variances, a resolution is required. A resolution should be required under any circumstances where it is desirable that the action be formally recorded in the office of the city clerk as a numbered document which can be used for future reference. Legislative actions as set forth in Section 1.20.530 should be by ordinance or resolution. (Ord. 1213 § 2, 1979)

1.20.530  Legislative action.
All legislative action undertaken by the city council shall be by means of an ordinance or resolution. Legislation of a permanent nature which is to remain in force until amended or repealed, which establishes rights and obligations and the failure to comply with which may result in a penalty, shall be by ordinance. (Ord. 1213 § 2, 1979)

1.20.540  Resolutions—Adoption.
A.  Where a particular resolution has been prepared and is before the council, it shall be adopted by motion, second, discussion and vote. It is not necessary to read the resolution by title or in full; provided it is identified by the presiding officer. Upon request of any member of the council, the resolution shall be read by title or in full.
B.  Where a particular resolution has not been prepared, a motion to direct the city attorney to prepare the document and return it to the council is in order.
C.  Where necessary, a resolution may be presented verbally in motion form together with instructions for written preparation. Upon execution of such a resolution, it shall become an official action of the council. (Ord. 1213 § 2, 1979)

1.20.550  Ordinances—Adoption.
An ordinance shall be introduced by motion after a reading of the title. If passed, it shall be returned for further council action at least five days thereafter. Adoption shall be by motion after reading by title. Unless a council member requests reading in full, the council shall be deemed to have voted, by majority vote, to waive such reading. (Ord. NS-275 § 1, 1994; Ord. 1213 § 2, 1979)

1.20.560  Correction of documents.
Upon occasion, ordinances or other documents are submitted in draft form, or on the spot amendments occur, or typographical or other technical errors are found which necessitate retyping of the document; such redraft, when properly executed, shall become the original document, to be effective and to be retained in the files of the city clerk. (Ord. 1213 § 2, 1979)
1.20.570 Robert’s Rules of Order.
If a matter arises at a council meeting which is not covered by this chapter or applicable provisions of federal or state law or the Carlsbad Municipal Code, the procedures of the council shall be governed by the latest revised edition of Robert’s Rules of Order. (Ord. 1213 § 2, 1979)

1.20.580 Council policy manual.
The city manager shall maintain a council policy manual to contain such written policies as the council may adopt. The purpose of council policies are to indicate how the council intends to rule in the future on particular matters of a recurring nature which are subject to their discretion. Policies shall be numbered and dated and shall remain in effect until rescinded. (Ord. 1213 § 2, 1979)

1.20.590 Failure to observe procedures—Waiver.
A. The provisions of this chapter are adopted to expedite the transaction of the business of the council in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law.
B. A failure on the part of any person to register a timely objection to the procedures of this chapter at the public hearing or other proceedings shall constitute a waiver of all such objections. (Ord. 1241 § 1, 1981; Ord. 1213 § 2, 1979)

1.20.600 Appeals procedure.
Where no specific appeals procedure exists for any decision of a commission, committee or person which substantially affects the rights, duties or privileges of an aggrieved person, such decision may be appealed to the city council by filing a written notice of appeal with the city clerk within 10 calendar days of the date of the decision. Fees for filing an appeal shall be established by resolution of the city council. The decision of the city council shall be final. (Ord. NS-176 § 1, 1991)

1.20.610 Ordinances—Effective date.
Ordinances will take effect 30 days after their final passage. An ordinance may take effect immediately upon passage if it is an ordinance:
A. Relating to an election.
B. Relating to street improvement proceedings.
C. Relating to taxes for the usual and current expenses of the City of Carlsbad.
D. Covered by a particular provision of law or charter prescribing the manner of its passage and adoption.
E. In any other instance, if a majority of the city council determines that there is an urgent need to adopt an ordinance which is effective immediately and a delay in the effective date would constitute an unnecessary expenditure or loss of city funds or otherwise adversely affect the public health, safety or general welfare then the ordinance will take effect immediately upon its final passage. (Ord. CS-009 § 1, 2008)
Chapter 1.24

EXPENDITURE LIMITATION

Sections:
1.24.010 Purpose and intent.
1.24.020 Definitions.
1.24.030 Vote required.
1.24.040 Determination of cost.
1.24.050 Guidelines.
1.24.060 Exemption for certain projects.
1.24.070 Amendment or repeal.

1.24.010 Purpose and intent.
The acquisition and/or development of real estate by the city has profound financial impacts upon the budget of the city and upon the tax burden imposed upon the taxpayers.

The city's financial resources have become more constrained as a result of the passage of recent constitutional amendments such as Proposition 13 and the Gann Initiative Spending Limitation, thereby increasing the significance and importance of decisions by the city to spend large amounts of money to purchase or develop real property.

In the absence of the provisions of this chapter requiring voter approval for major land acquisition or development projects by the city these decisions are often made without adequate public review and comment in the context of an overall capital improvements program.

It is the intent of this chapter to provide the citizens and taxpayers of Carlsbad with an opportunity to express directly their preference by vote prior to major city expenditures for the purchase or development of land.

It is not the intent of this chapter to interfere with the normal day-to-day administration of the city or with routine ongoing capital expenditures. (Ord. 1255 § 1, 1982)

1.24.020 Definitions.
For purposes of this chapter, the following words and phrases shall have the following definitions:

A. “Effective date” means the date on which the proposed ordinance codified in this chapter was adopted by the city council or was passed by the voters at the polls, whichever occurs first.

B. “Real property acquisition” means the purchase or lease of any real property, improved or unimproved, within or without the corporate limits of the city to be paid for in whole or in part by city funds.

C. “Improvement to real property” means the actual physical construction of improvements on real property owned, leased, or controlled by the city, or the modification, enlargement, or alteration of existing improvements on such property.

D. “City funds” mean City of Carlsbad general fund moneys; federal general revenue sharing moneys and all other moneys, but shall not include categorical federal and state grants available to the city for specific purposes. City funds shall not include special assessments. (Ord. 1255 § 1, 1982)

1.24.030 Vote required.
The city shall make no real property acquisition and/or no improvement to real property the cost of which exceeds one million dollars in city funds, unless the proposed acquisition and/or improvement project and the cost in city funds is first placed upon the ballot and approved by a majority of the voters voting thereon at an election. A project may not be separated into parts or phases so as to avoid the effects of this chapter. (Ord. 1255 § 1, 1982)
1.24.040  **Determination of cost.**
In determining whether or not the cost in city funds of a proposed real property acquisition or improvement to real property exceeds one million dollars, the following costs shall be included:

A. The purchase price of the real estate, including improvements, or the present value of a lease, as appropriate;

B. The contract price of the improvements;

C. All preliminary studies and reports directly related to the acquisition or improvement, including but not limited to, environmental impact reports, architectural renderings, soils analyses, engineering work, and the like;

D. Finance cost, if any. (Ord. 1255 § 1, 1982)

1.24.050  **Guidelines.**
The city council may adopt reasonable guidelines to implement this chapter following notice and public hearing. (Ord. 1255 § 1, 1982)

1.24.060  **Exemption for certain projects.**
This chapter shall not apply to any real property acquisition or improvement to real property which has obtained a vested right as of the effective date of the ordinance codified in this chapter. For purposes of this chapter, a “vested right” shall have been obtained if each of the following is met:

A. The proposed project has received its final discretionary approval; and

B. Substantial expenditures have been made in good faith reliance on the final discretionary approval; and

C. Substantial construction has been commenced in good faith reliance on the final discretionary approval, where construction is contemplated.

Whether or not a vested right has been obtained in a particular case is a question of fact to be determined on a case-by-case basis by the city council following notice and public hearing. (Ord. 1255 § 1, 1982)

1.24.070  **Amendment or repeal.**
This chapter may be amended or repealed only by a majority of the voters voting at an election thereon. (Ord. 1255 § 1, 1982)
Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 City Council
2.06 Mayor
2.08 Officers—Employees Generally
2.12 City Manager
2.14 City Attorney
2.16 Board of Library Trustees
2.18 Carlsbad Arts Commission
2.20 Financial Management Director
2.24 Planning Commission
2.28 Traffic Safety Commission
2.36 Parks and Recreation Commission
2.38 Senior Commission
2.40 Housing Commission
2.42 Historic Preservation Commission
2.44 Personnel
2.48 Employer-Employee Relations
2.52 Access to Criminal Records
Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Compensation.
2.04.020 Elected mayor—Additional compensation.
2.04.030 Vacancies in office.
2.04.050 Reorganization of the city council.
2.04.060 Eligibility for office.

2.04.010 Compensation.
A. The compensation of each member of the city council shall be set at $2,052.17 per month upon the effective date of this ordinance. Adjustments to city council compensation may be made from time to time by ordinance amending this section.
B. The compensation established by this section is exclusive of any amounts payable to each member of the city council as reimbursement for actual and necessary expenses incurred in the performance of official duties for the city. (Ord. CS-269 § I, 2015; Ord. CS-024 § I, 2009; Ord. NS-858 § 1, 2007; Ord. NS-792 § 1, 2006; Ord. NS-689 § 1, 2004; Ord. NS-615 § 1, 2001; Ord. NS-528 § 1, 2000; Ord. NS-442 § 1, 1998; Ord. NS-363 § 1, 1996; Ord. NS-122 § 1, 1990; Ord. NS-28 § 1, 1988; Ord. 1293 § 1, 1987; Ord. 1289 § 1, 1986; Ord. 1272 § 1, 1984; Ord. 1243 § 1, 1982; Ord. 1227 § 1, 1980; Ord. 1213 § 1, 1979; Ord. 1207 § 1, 1978; Ord. 1188 § 1, 1976; Ord. 1095-A § 1)

2.04.020 Elected mayor—Additional compensation.
The mayor, elected pursuant to Sections 34900 to 34904 inclusive of the Government Code, shall receive additional compensation of $100.00 per month in addition to the compensation the mayor receives as a member of the city council. This additional compensation may be amended from time to time by the adoption of an ordinance amending this section. (Ord. CS-024 § II, 2009; Ord. 1243 § 1, 1982; Ord. 1213 § 1, 1979; Ord. 1188 § 2, 1976)

2.04.030 Vacancies in office.
A. This section is adopted pursuant to Article XI Section 5 of the California Constitution for charter cities which provides plenary authority for the conduct of local elections. If a vacancy occurs in an elected office of a member of the city council, the city clerk or city treasurer the council shall, within 60 days of the effective date of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy, provided, however, that when petitions bearing 10% of the verified signatures of registered voters are presented to the city clerk, a special election shall be called. A person appointed by the council to fill a vacancy in such circumstances, shall hold office until the date of the special election. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed, when no special election has been called, or elected to fill a vacancy holds office for the unexpired term of the former incumbent.
B. If the council fails to fill the vacancy within 60 days, it shall immediately call an election to fill the vacancy, to be held on the next established election date not less than 114 days thereafter.
C. Notwithstanding anything herein to the contrary, when a vacancy occurs in elected office prior to the close of the nomination period, the vacancy shall be filled by the general election regardless of whether or not the vacancy is filled by appointment by the city council. (Ord. CS-100 § 1, 2010; Ord. CS-044 § 1, 2009; Ord. NS-836, 2007; Ord. NS-529 § 1, 2000; Ord. NS-256 § 1, 1993; Ord. NS-223 § 1, 1993; Ord. 1253 § 1, 1982)
2.04.050  Reorganization of the city council.
At the meeting when the general election results are certified by the county clerk or city clerk, as appropriate, or as soon as reasonably practicable thereafter, the city council shall meet for the purpose of appointing individual members of the city council to boards, commissions, committees or other bodies as the council may find necessary for its reorganization and effective functioning. (Ord. NS-563 § 1, 2000; Ord. 1258 § 1, 1982)

2.04.060  Eligibility for office.
A. A person is not eligible to hold office as a member of the city council unless that person is, at the time of assuming such office, an elector of the City of Carlsbad.
B. Notwithstanding Government Code Section 53227 or any successor statute regulating the eligibility of a local agency employee to serve on the legislative body of that agency, a city council member may simultaneously serve, without compensation, as a volunteer police officer subject to all federal and state laws, municipal ordinances and rules and regulations of the police department. (Ord. CS-023 § 1, 2009)
Chapter 2.06

MAYOR

Sections:

2.06.010 Term of office.
2.06.020 Presiding at meetings.
2.06.030 Keeping order.
2.06.040 Mayor as council member.
2.06.050 Signing various documents.
2.06.060 Ceremonial duties.
2.06.070 Appointments.
2.06.080 Vacancy in office.
2.06.090 Eligibility for office.

2.06.010 Term of office.
In accord with a vote of the citizens of the city, the office of mayor shall be an elected office. The person elected as mayor shall hold office for a term of four years from the first Tuesday succeeding his or her election and until his or her successor is elected and qualified. (Ord. 1258 § 3, 1982)

2.06.020 Presiding at meetings.
The mayor shall assume the chair of the presiding officer on the first Tuesday after the election and thereafter shall preside at all meetings of the city council. The mayor shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of procedure and order, subject, however, to an appeal to the council by any individual member of the council, in which event a majority vote of the council shall govern and conclusively determine such question. (Ord. 1258 § 3, 1982)

2.06.030 Keeping order.
The mayor shall preserve strict order and decorum at all meetings of the city council. (Ord. 1258 § 3, 1982)

2.06.040 Mayor as council member.
The mayor is a member of the city council with all the powers and duties of a member of the city council. The mayor may make or second motions and otherwise participate fully in the workings of the city council. The mayor shall vote on all questions. Whenever the vote is taken by means of a roll call, the mayor's name shall be called last. (Ord. 1258 § 3, 1982)

2.06.050 Signing various documents.
The mayor shall sign:
A. All warrants drawn on the city treasury;
B. All written contracts and conveyances made or entered into by the city as specified in Chapter 3.28;
C. All instruments requiring the city seal.
The city council may by ordinance authorize other officers of the city to sign such documents if the mayor and mayor pro tempore are both absent or unable to act. (Ord. 1258 § 3, 1982)

2.06.060 Ceremonial duties.
The mayor shall be the official head of the city for all ceremonial purposes, and shall perform all other duties as may be prescribed by ordinance or by the council consistent with the office. (Ord. 1258 § 3, 1982)
2.06.070 Appointments.
The appointments shall be made by the mayor with city council concurrence except for the planning commission (CMC 2.24.020) and historic preservation commission (CMC 2.42.020) which are appointed by a majority of the city council. If a mayoral appointment, the item will be listed on the agenda under consent calendar and will list the board, commission, and committee with vacancy and the name of person to be appointed. The city council will vote and if a majority concurs the appointment will be finalized and entered into the meeting minutes. (Ord. CS-259 § 1, 2014; Ord. 1258 § 3, 1982)

2.06.080 Vacancy in office.
In the case of a vacancy in the office of the mayor for any reason, the city council shall, within 60 days of the effective date of vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy, provided, however, that when petitions bearing 10% of the verified signatures of registered voters are presented to the city clerk, a special election shall be called. If the city council fails to fill the vacancy within 60 days, it shall immediately call an election to fill the vacancy, to be held on the next established election date to be held not less than 114 days thereafter. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent. (Ord. CS-044 § 2, 2009; Ord. NS-836, 2007; Ord. 1296 § 2, 1987; Ord. 1258 § 3, 1982)

2.06.090 Eligibility for office.
A. A person is not eligible to hold office as mayor unless that person is, at the time of assuming such office, an elector of the city.
B. Notwithstanding Government Code Section 53227 or any successor statute regulating the eligibility of a local agency employee to serve on the legislative body of that agency, the mayor may simultaneously serve, without compensation, as a volunteer police officer subject to all federal and state laws, municipal ordinances and rules and regulations of the police department. (Ord. CS-023 § 2, 2009; Ord. 1258 § 3, 1982)
Chapter 2.08

OFFICERS—EMPLOYEES GENERALLY

Sections:
2.08.010 Mayor pro tempore.
2.08.020 Compensation of city treasurer.
2.08.022 Qualifications of city treasurer.
2.08.030 Compensation of city clerk.
2.08.032 Qualifications of city clerk.
2.08.035 Definition of city engineer.
2.08.040 Officers' and employees' bonds.
2.08.050 Location of city offices—Office hours.
2.08.060 Vacation accrual, sick leave accrual and holiday pay.
2.08.070 Acceptance of state aid for training peace officers.
2.08.080 Removal of board and commission members.
2.08.090 Board and commission membership—Citizenship required.
2.08.092 Compensation.
2.08.094 Vacancies.
2.08.100 Delegation of authority to accept donations.
2.08.110 Public access to meetings.

2.08.010 Mayor pro tempore.
The city council shall meet on the first Tuesday after the general municipal election and choose one of its members as mayor pro tempore. If the mayor is absent or unable to act, the mayor pro tempore shall serve as mayor until the mayor returns or is able to act. While serving as mayor pursuant to this section, the mayor pro tempore shall have all of the powers and duties of the mayor. (Ord. 1258 § 2, 1982; Ord. 1114 § 1, 1969; Ord. 1005 § 1)

2.08.020 Compensation of city treasurer.
A. Effective January 1, 2007, the compensation of the city treasurer is fixed at the sum of $1,070.00 per month payable biweekly.
B. In addition, the city treasurer shall receive an automobile allowance as established by resolution of the city council. (Ord. NS-797 § 1, 2006; Ord. NS-725 § 1, 2004; Ord. NS-667 § 1, 2003; Ord. NS-601 § 1, 2001; Ord. NS-312 § 1, 1995; Ord. NS-80 § 1, 1989; Ord. 1286 § 1, 1985; Ord. 1265 § 1, 1983; Ord. 1232 § 1, 1980; Ord. 1162 § 1, 1973; Ord. 1109 § 1, 1968)

2.08.022 Qualifications of city treasurer.
No person is eligible to become a candidate for the office of city treasurer unless, at the time of the final filing date for election, such person has a four-year college degree in finance or business-related field and four years of financial work experience. (Ord. CS-080 § 1, 2010)

2.08.030 Compensation of city clerk.
A. Effective January 1, 2007, the compensation of the city clerk is fixed at the sum of $1,070.00 per month, payable bi-weekly.
B. In addition, the city clerk shall receive an automobile allowance as established by resolution of the city council. (Ord. NS-798 § 1, 2006; Ord. NS-726 § 1, 2004; Ord. NS-666 § 1, 2003; Ord. NS-600 § 1, 2001; Ord. NS-434 § 1, 1997; Ord. NS-80 § 1, 1989; Ord. 1286 § 1, 1985; Ord. 1265 § 1, 1983; Ord. 1232 § 2, 1980; Ord. 1162 § 1, 1973; Ord. 1109 § 2, 1968)
2.08.032 **Qualifications of city clerk.**

No person is eligible to become a candidate for the office of city clerk unless, at the time of the final filing date for election, he or she meets one of the following minimum criteria:

A. Has obtained the designation of a certified municipal clerk from the International Institute of Municipal Clerks.

B. Has two years of full-time, salaried work experience in either business administration or public administration and possesses a bachelor’s degree from an accredited college or university. (Ord. CS-042 § 1, 2009)

2.08.035 **Definition of city engineer.**

The term “city engineer” as used in this Code is defined as the “engineering manager—land development,” or designee, and is the person authorized to perform the functions of the city engineer as defined in Government Code Section 66416.5. (Ord. CS-164 § 4, 2011)

2.08.040 **Officers’ and employees’ bonds.**

A. Wherever individual bonds are required for specified officers or employees of the city, they may be provided in the form of a master official bond applicable to all other city officers and employees.

B. The city clerk, city treasurer and finance director shall provide honesty and faithful discharge bonds regarding the duties imposed on their offices, in the amount recommended by the city attorney pursuant to Government Code Section 36518 and as set forth in a resolution adopted by the city council.

C. The finance director is authorized and directed to pay the premium annually for any official bonds authorized or required by this section. (Ord. NS-510 § 1, 1999; Ord. 1239 § 1, 1981; Ord. 1009 § 1; Ord. 1005 § 3)

2.08.050 **Location of city offices—Office hours.**

The office for the conduct of business of the city clerk, city treasurer and community and economic development director shall be located in such place as the city council by resolution may establish. Such resolution shall be passed at least two weeks in advance of any change and to be published once in a legal newspaper of general circulation of the city. Such office shall be kept open for the transaction of official business between the hours of 8:00 a.m. and 5:00 p.m., Saturdays, Sundays and legal holidays excluded. (Ord. CS-164 §§ 1, 14, 2011; Ord. NS-676 § 1, 2003; Ord. 1261 § 1, 1983; Ord. 1005 § 3)

2.08.060 **Vacation accrual, sick leave accrual and holiday pay.**

A. Regular employees will accrue vacation and sick leave and be paid for city-recognized holidays in accordance with the memorandum of understanding applicable to them, as it may from time to time be amended by the parties to it and approved by resolution of the city council.

B. Management employees will accrue vacation and sick leave and be paid for city-recognized holidays in accordance with the management compensation plan, as it may from time to time be amended by resolution of the city council.

C. Hourly and temporary employees will not accrue vacation and sick leave or be paid for city-recognized holidays. (Ord. NS-793 § 1, 2006)

2.08.070 **Acceptance of state aid for training peace officers.**

The city declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code. Pursuant to Section 13522 of such Chapter 1, the city while receiving aid from the state pursuant to such Chapter 1 will adhere to the standards for recruitment and training established by the commission on peace officer standards and training. (Ord. 3052 §§ 1, 2)
2.08.080 **Removal of board and commission members.**
Appointees to all of the city's boards, commissions and committees shall serve at the pleasure of the city council. Any member of a city board, commission or committee may be removed at any time by the affirmative vote of three members of the city council. (Ord. NS-169 § 1, 1991; Ord. 1270 § 1, 1984)

2.08.090 **Board and commission membership—Citizenship required.**
It is a prerequisite for appointment to any city board, commission, or committee that the member be a resident of the city and a registered voter, except that members of the Carlsbad Tourism Business Improvement District (CTBID) board of directors shall be assessors of the CTBID regardless of residency. (Ord. NS-824 § 1, 2006; Ord. NS-169 § 1, 1991; Ord. 1271 § 1, 1984)

2.08.092 **Compensation.**
Unless specifically appropriated and approved by the city council, all members of the city's boards, commissions and committees shall serve without compensation. (Ord. NS-169 § 1, 1991)

2.08.094 **Vacancies.**
Members of the city's boards, commissions and committees shall serve until reappointed or until the member's successor has been appointed, qualified and seated. If a vacancy occurs other than by the expiration of a term, the vacancy shall be filled in the same manner as an original appointment. (Ord. NS-169 § 1, 1991)

2.08.100 **Delegation of authority to accept donations.**
The city manager shall have authority on behalf of the city to accept donations to the city in an amount or of a value of up to $5,000.00. The city manager shall use the gift or may sell it and use the proceeds in accordance with the donor's intent. If there is no such intent, the money shall be added to the city's contingency account. Each month the city manager shall send to the city council a report of all donations that have been accepted. (Ord. CS-221, 2013; Ord. 1295 § 1, 1987)

2.08.110 **Public access to meetings.**
A. All meetings of the city's boards, commissions and committees shall be open to the public. If any board or commission appoints a subcommittee, all meetings of the subcommittee shall be open to the public.

B. Notwithstanding subsection A of this section, a board, commission or committee may hold a closed session provided they first obtain a written opinion from the city attorney that the closed session is allowed under the provisions of the Brown Act. (Ord. NS-883 § 1, 2008; Ord. 1297 § 1, 1987)
Chapter 2.12

CITY MANAGER

Sections:
2.12.005 Office created—Appointment.
2.12.010 Residency requirements.
2.12.015 Eligibility of councilmembers for position.
2.12.025 Manager pro tempore—Acting city manager.
2.12.030 Compensation.
2.12.035 Powers and duties.
2.12.040 Delegation of powers and duties.
2.12.110 Council-manager relations.
2.12.115 Departmental cooperation.
2.12.125 Attendance at commission meetings.
2.12.130 Removal of city manager.
2.12.135 Limitation on removal.
2.12.140 Agreements on employment.
2.12.145 Resignation.

2.12.005 Office created—Appointment.
The office of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council. (Ord. 1156 § 1, 1973; Ord. 1088 § 1; Ord. 1040 § 1)

2.12.010 Residency requirements.
Residence in the city at the time of appointment of a city manager shall not be required as a condition of the appointment, but within 180 days after reporting for work, the city manager must become a resident of the city unless the city council approves his or her residence outside the city. (Ord. 1156 § 2, 1973; Ord. 1040 § 2)

2.12.015 Eligibility of councilmembers for position.
No member of the city council shall be eligible for appointment as city manager until one year has elapsed after such council member has ceased to be a member of the city council. (Ord. 1156 § 3, 1973; Ord. 1040 § 2)

2.12.025 Manager pro tempore—Acting city manager.
The assistant city manager shall serve as manager pro tempore during any temporary absence or disability of the city manager. In the event there is no assistant city manager, the city manager, by filing a written notice with the city clerk, shall designate a qualified city employee to exercise the powers and perform the duties of the city manager during his or her temporary absence or disability. In the event the city manager’s absence or disability extends over a two-month period, the city council may, after the two-month period appoint an acting city manager. (Ord. 1156 § 5, 1973; Ord. 1040 § 4)

2.12.030 Compensation.
The city manager shall receive such compensation as the city council shall from time to time determine. In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred by him or her in the performance of his or her official duties.
On termination of employment of the city manager by reason of involuntary removal from service other than for wilful misconduct in office, the city manager shall receive cash severance pay in a lump sum equal to one month’s pay for each of the first three years of continuous service or fraction thereof as city manager, not to exceed a total of three months’ pay, such pay to be computed at the highest salary received by the city manager during his or her service with the city. Involuntary removal from service shall include reduction in pay not applicable to all employees of the city. (Ord. 1156 § 6, 1973; Ord. 1040 § 5)

2.12.035 Powers and duties.
The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. The city manager shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to the city manager’s general powers as administrative head, and not as a limitation thereon, it shall be the city manager’s duty, and he or she shall have the powers set forth in the following subsections.

A. Law Enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.

B. Authority Over Employees. It shall be the duty of the city manager, and he or she shall have the authority to control, order, and give directions to all heads of departments and to subordinate officers and employees of the city under his or her jurisdiction through their department heads.

C. Power of Appointment and Removal. It shall be the duty of the city manager to appoint, discipline, remove, promote and demote any and all officers and employees of the city, except the city clerk, city treasurer and city attorney, and as provided in Section 2.44.050 of this title, subject to all applicable personnel ordinances, rules and regulations.

D. Administrative Reorganization of Offices. It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city’s business.

E. Ordinances. It shall be the duty of the city manager and he or she shall recommend to the city council for adoption such policies, measures and ordinances as the city manager deems necessary or expedient for the health, safety or welfare of the community.

F. Attendance at Council Meetings. It shall be the duty of the city manager to attend all meetings of the city council unless at the city manager’s request he or she is excused therefrom by the mayor individually or the city council, except when his or her removal is under consideration. The city manager may take part in all matters coming before the council.

G. Financial Reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial conditions and needs of the city and make such recommendations as the city manager may deem desirable.

H. Budget and Salary Plan. It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council, with a message describing important features thereof, and be responsible for its administration after adoption.

I. Expenditure Control and Purchasing. It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or authorized representative. The city manager, or authorized representative, shall be responsible for the purchase of all supplies, materials and equipment for all the departments or divisions of the city for which funds are provided in the annual budget, and prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
J. Investigations and Complaints. It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city; further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.

K. Public Buildings and City Property. It shall be the duty of the city manager, and he or she shall exercise general supervision over all public buildings, public parks and all other public property, equipment and supplies, which are under the control and jurisdiction of the city council.

L. Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution or other official action of the city council.

The city manager shall also act as the executive manager for the municipal water district. The executive manager shall be the administrative head for the water district and report directly to the board of directors. (Ord. NS-793 § 2, 2006; Ord. NS-160 § 1, 1991; Ord. 1156 § 7, 1973; Ord. 1040 § 6)

2.12.040 Delegation of powers and duties.

Unless otherwise prohibited by state law or a provision of a resolution or ordinance adopted by the city council, all duties and powers granted to or imposed upon the city manager may be delegated by the city manager to other officers, department heads or management employees of the city as the city manager deems appropriate. (Ord. NS-793 § 3, 2006)

2.12.110 Council-manager relations.

The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his or her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilmember shall give any orders or instructions to the city manager; however, any councilmember may, as an individual, request pertinent information on municipal affairs and citizen complaints from the city manager and from department heads through the city manager. These requests will be answered promptly. (Ord. 1156 § 9, 1973; Ord. 1040 § 21)

2.12.115 Departmental cooperation.

It shall be the duty of all subordinate officers and the city clerk, city treasurer and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously. (Ord. 1156 § 10, 1973; Ord. 1040 § 22)

2.12.125 Attendance at commission meetings.*

The city manager may attend any and all meetings of the planning commission, parks and recreation commission, harbor commission, library commission, traffic safety commission and any other commissions, boards or committees created by the city council, upon the city manager’s own volition or upon direction of the city council. At such meetings which the city manager attends, he or she shall be heard by such commissions, boards or committees as to all matters upon which the city manager wishes to address the members thereof, and he or she shall inform the members as to the status of any matter being considered by the city council, and the city manager shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (Ord. 1156 § 12, 1973; Ord. 1040 § 24)

* Editor’s Note: As to meetings of the library commission, see Section 2.16.025 of this code; as to meetings of the planning commission, see Section 2.24.040; as to meetings of the traffic safety commission, see Section 2.28.050; as to meetings of the parks and recreation commission, see Section 2.36.060.
2.12.130  Removal of city manager.
The removal of the city manager shall be effected only by a majority vote of the whole city council as then constituted, convened in a regular council meeting. In case of the city manager’s intended removal by the city council, the city manager shall be furnished with a written notice citing the council’s action to remove him or her at least 30 days before the effective date of his or her removal. If the city manager so requests, the city council shall provide in writing reasons for the removal, which shall be provided the city manager within seven days after the receipt of such request from the city manager, and at least 15 days prior to the effective date of such removal. After furnishing the city manager with written notice of removal, the city council may suspend him or her from duty, but his or her compensation shall continue until the date of his or her removal has been established by action of the council. The removal of the city manager is subject to the following subsections:

A. Hearing. Within seven days after the delivery to the city manager of such notice of intention to remove, the city manager may, by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the 30-day period, at which the city manager shall appear and be heard, with or without counsel.

B. Suspension Pending Hearing. After furnishing the city manager with written notice of intended removal, the city council may suspend him or her from duty, but his or her compensation shall continue until his or her removal by action of the council passed subsequent to the aforesaid hearing.

C. Discretion of Council. In removing the city manager, the city council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the city manager to present to the city council his or her grounds of opposition to his or her removal prior to its action. (Ord. 1156 § 13, 1973; Ord. 1040 § 25)

2.12.135  Limitation on removal.
Notwithstanding the provision of Section 2.12.130, the city manager shall not be removed from office, other than for misconduct in office, during or within a period of 90 days next succeeding any general municipal election held in the city at which election a member of the city council is elected or when a new city council-member is appointed. The purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of the city manager’s office. After the expiration of the 90-day period, the provisions of Section 2.12.130 as to the removal of the city manager shall apply and be effective. (Ord. 1156 § 14, 1973; Ord. 1088 § 3; Ord. 1040 § 26)

2.12.140  Agreements on employment.
Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter. (Ord. 1156 § 15, 1973)

2.12.145  Resignation.
The city manager shall provide written notice, in the event of his or her resignation, to the city council at least 30 days prior to his or her termination date. The city council may waive this provision at their sole discretion. (Ord. 1156 § 16, 1973)
Chapter 2.14

CITY ATTORNEY

Sections:
2.14.010 Office created.
2.14.030 Eligibility of council members for position.
2.14.060 Council-city attorney relations.
2.14.070 Departmental cooperation.
2.14.090 Limitation on removal.
2.14.100 Agreements on employment.
2.14.110 Resignation.
2.14.120 Management and control of office.
2.14.130 Employment of special counsel.
2.14.140 Limitation upon private practice.

2.14.010 Office created.
The office of the city attorney is created and established. (Ord. 1212 § 1, 1978)

The city attorney shall be appointed by the city council wholly on the basis of his or her legal ability and experience, particularly in the municipal law field. The city attorney shall be an attorney-at-law licensed to practice law in the state. (Ord. 1212 § 1, 1978)

2.14.030 Eligibility of council members for position.
No member of the city council shall be eligible for appointment as city attorney until one year has elapsed after such council member has ceased to be a member of the city council. (Ord. 1212 § 1, 1978)

The city attorney shall receive such compensation as the city council shall from time to time determine.
In addition, the city attorney shall be reimbursed for all actual and necessary expenses incurred by him or her in the performance of his or her official duties.
On termination of employment of the city attorney by reason of involuntary removal from service other than for wilful misconduct in office, the city attorney shall receive cash severance pay in a lump sum equal to one month's pay for each of the first three years of continuous service or fraction thereof as city attorney, not to exceed a total of three months' pay, such pay to be computed at the highest salary received by the city attorney during his or her service with the city. Involuntary removal from service shall include reduction in pay not applicable to all employees of the city. (Ord. 1212 § 1, 1978)

The city attorney shall be the chief legal officer of the city under the direction and control of the city council. The city attorney will also act as the legal counsel for the municipal water district (district), and report directly to the board of directors. Except as otherwise provided in this chapter, the city attorney shall have the following responsibilities for both the city and district:
A. Advise the city council, its committees, its various boards and commissions or any city officer, when requested, upon all legal questions arising in the conduct of city business;

B. Prepare or revise ordinances or resolutions when so requested by the city council or by the city manager;

C. Make recommendations for ordinances, resolutions or other documents or procedures affecting the legal position of the city;

D. Give his or her opinion upon any legal matter or question submitted to him or her by the city council, any board or commission of the city, the city manager, or any other city officer;

E. Attend all city council meetings, unless excused by the city council, for the purpose of giving the city council any legal advice requested by its members;

F. Attend such meetings of other boards and commissions of the city as he or she shall deem necessary and proper or as the city council may direct;

G. Prepare for execution, or approve as to form, all contracts and instruments to which the city is a party, and approve as to form and for filing all bonds and insurance policies submitted to the city;

H. Make the following reports:
   1. Immediately report the outcome of any litigation in which the city has an interest to the city manager and the city council;
   2. Make an annual report to the city manager and the city council as of July 31st of each year of all pending litigation in which the city has an interest and the condition thereof and of the state of his or her office;

I. Enforce city laws and regulations through office hearings and court proceedings, both civil and criminal;

J. Review and analyze all state and federal legislation affecting the city;

K. Appear on behalf of the city before such legislative committees and regulatory agencies as the city council may direct;

L. Represent the city in all legal actions to which the city is a party and for which other arrangements for legal counsel have not been made;

M. Perform such other duties as may be imposed by statute, by any ordinance of the city or by other action of the city council;

N. Deliver all records, documents and property of every description in his or her possession belonging to the city attorney’s office or to the city to his or her successor in office. (Ord. NS-160 § 2, 1991; Ord. 1212 § 1, 1978)

2.14.060 Council-city attorney relations.
The city attorney shall take his or her orders and instructions from the city council only when sitting in a duly convened meeting of the city council, and no individual council member shall give any orders or instructions to the city attorney. However, any council member may, as an individual, request pertinent information on municipal affairs from the city attorney. These requests will be answered promptly. (Ord. 1212 § 1, 1978)

2.14.070 Departmental cooperation.
It shall be the duty of all subordinate officers and the city clerk, city treasurer and city manager to assist the city attorney in carrying out the functions of his or her office. (Ord. 1212 § 1, 1978)

The removal of the city attorney shall be effected only by a majority vote of the whole city council as then constituted, convened in a regular council meeting. In case of the city attorney’s intended removal by the city
council, the city attorney shall be furnished with a written notice citing the council’s action to remove him or her at least 30 days before the effective date of his or her removal. If the city attorney so requests, the city council shall provide in writing reasons for the removal, which shall be provided the city attorney within seven days after the receipt of such request from the city attorney, and at least 15 days prior to the effective date of such removal. After furnishing the city attorney with written notice of removal, the city council may suspend him or her from duty, but the city attorney’s compensation shall continue until the date of his or her removal has been established by action of the council. The removal of the city attorney is subject to the following subsections:

A. Hearing. Within seven days after the delivery to the city attorney of such notice of intention to remove, the city attorney may, by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the 30-day period, at which the city attorney shall appear and be heard, with or without counsel.

B. Suspension Pending Hearing. After furnishing the city attorney with written notice of intended removal, the city council may suspend him or her from duty, but the city attorney’s compensation shall continue until his or her removal by action of the council passed subsequent to the aforesaid hearing.

C. Discretion of Council. In removing the city attorney, the city council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the city attorney to present to the city council his or her grounds of opposition to his or her removal prior to its action. (Ord. 1212 § 1, 1978)

2.14.090 Limitation on removal. Notwithstanding the provision of Section 2.14.080, the city attorney shall not be removed from office, other than for misconduct in office, during or within a period of 90 days next succeeding any general or special municipal election held in the city, at which election a member of the city council is elected or when a new city council member is appointed. The purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city attorney in the performance of the powers and duties of his or her office. After the expiration of this 90-day period, the provisions of Section 2.14.080 as to the removal of the city attorney shall apply and be effective. (Ord. 1212 § 1, 1978)

2.14.100 Agreements on employment. Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city attorney delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter. (Ord. 1212 § 1, 1978)

2.14.110 Resignation. The city attorney shall provide written notice, in the event of his or her resignation, to the city council at least 30 days prior to his or her termination date. The city council may waive this provision at its sole discretion. (Ord. 1212 § 1, 1978)

2.14.120 Management and control of office. The city attorney shall have the management and control over his or her office subject to all applicable personnel ordinances, rules and regulations. (Ord. NS-793 § 4, 2006; Ord. 1212 § 1, 1978)

2.14.130 Employment of special counsel. Whenever the city council deems it to be in the best interests of the city, it may employ special counsel to handle particular legal matters of the city, upon such terms as the city council shall deem proper. (Ord. 1212 § 1, 1978)
2.14.140  Limitation upon private practice.
The city attorney shall not engage in the private practice of law without the consent of the city council, and then only upon such conditions as the city council may impose. (Ord. 1212 § 1, 1978)
Chapter 2.16

BOARD OF LIBRARY TRUSTEES

Sections:
2.16.005 Created.
2.16.010 Membership—Appointment—Terms.
2.16.025 Monthly meetings.
2.16.030 Special meetings.
2.16.035 Quorum.
2.16.040 President.
2.16.045 Record of proceedings.
2.16.050 Rules, regulations and bylaws for the administration of the board.
2.16.055 Administration of trusts—Receipt, holding and disposal of property.
2.16.060 Recommendations to city council.
2.16.070 Purchase of real property—Erection or rental and equipment of buildings or rooms.
2.16.075 State publications.
2.16.080 Borrowing library materials.
2.16.085 Incidental powers of board.
2.16.090 Annual report.
2.16.095 Safety, preservation and application of funds not payable into library trust fund.
2.16.105 Free use of library by residents and nonresident taxpayers—Exclusions.
2.16.110 Contracts for lending books with neighboring municipalities or county—Compensation.
2.16.115 Title to property.

2.16.005 Created.
The board of library trustees is created to manage the city library. (Ord. CS-036 § 1, 2009; Ord. NS-169 § 7, 1991)

2.16.010 Membership—Appointment—Terms.
The board of library trustees shall consist of five members, appointed by the mayor with the approval of the city council. The trustee shall serve a four-year term. Trustees may serve no more than two complete terms. If a vacancy occurs as a result of a trustee leaving the board before the end of the trustee’s term, the successor shall serve for the remaining term of his or her predecessor. (Ord. CS-036 § 1, 2009; Ord. NS-176 § 7, 1991)

2.16.025 Monthly meetings.
Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. (Ord. CS-036 § 1, 2009; Ord. 1072 § 6)

2.16.030 Special meetings.
Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. (Ord. CS-036 § 1, 2009; Ord. 1072 § 7)

2.16.035 Quorum.
A majority of the board shall constitute a quorum for the transaction of business. (Ord. CS-036 § 1, 2009; Ord. 1072 § 8)
2.16.040  President.
The board shall appoint one of its members president, who shall serve for one year and until his or her suc-
cessor is appointed, and in his or her absence, shall select a president pro tempore. The president shall
serve as chair of the board, and in his or her absence, the president pro tempore shall serve as vice-chair of
the board. (Ord. CS-036 § 1, 2009; Ord. 1072 § 9)

2.16.045  Record of proceedings.
The board of library trustees shall cause a proper record of its proceedings to be kept. (Ord. CS-036 § 1,
2009; Ord. 1072 § 10)

2.16.050  Rules, regulations and bylaws for the administration of the board.
The board of library trustees may make and enforce all rules, regulations and bylaws necessary for the ad-
ministration of the board of library trustees and all property belonging thereto. (Ord. CS-174 § 2, 2012; Ord.
CS-036 § 1, 2009; Ord. 1072 § 11)

2.16.055  Administration of trusts—Receipt, holding and disposal of property.
Subject to city council approval, the board of library trustees may administer any trust declared or created for
the benefit of the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situ-
at in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of
the library. (Ord. CS-036 § 1, 2009; Ord. 1072 § 12)

2.16.060  Recommendations to city council.
The board of library trustees may make recommendations to the city council and advise the city council in
matters pertaining to the following:
A.   The duties and powers of the librarian and other library employees;
B.   The number of employees;
C.   The purchase of equipment, real estate and buildings;
D.   The advisability and desirability of facilities of the city library;
E.   The amounts of moneys required to operate the library;
F.   Policies related to the administration of the city library. (Ord. CS-174 § 3, 2012; Ord. CS-036 § 1, 2009;
     Ord. 1072 § 13)

2.16.070  Purchase of real property—Erection or rental and equipment of buildings or rooms.
Subject to city council approval, the board of library trustees shall have the authority to purchase real prop-
erty, and erect or rent and equip, such buildings or rooms as may be necessary, providing they have suffi-
cient funds in the “library trust fund” provided for in Section 3.24.020. (Ord. CS-036 § 1, 2009; Ord. 1072 §
15)

2.16.075  State publications.
The board of library trustees may request the appropriate state officials to furnish the library with copies of
any and all reports, laws and other publications of the state not otherwise disposed of by law. (Ord. CS-036
§ 1, 2009; Ord. 1072 § 16)

2.16.080  Borrowing library materials.
The board of library trustees shall authorize the library and cultural arts director to borrow library materials
from, lend library materials to, and exchange library materials with other libraries, and may allow residents
2.16.085 and nonresidents to borrow library materials upon such condition as the board may prescribe. (Ord. CS-164 § 16, 2011; Ord. CS-036 § 1, 2009; Ord. 1072 § 17)

2.16.085 Incidental powers of board. The board of library trustees may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter. The board of library trustees shall further have the power to promulgate and adopt rules and regulations pertaining to the city library. (Ord. CS-174 § 4, 2012; Ord. CS-036 § 1, 2009; Ord. 1072 § 18)

2.16.090 Annual report. The board of library trustees, or if there is no board of trustees, then the library and cultural arts director shall, on or before September 30, in each year, report to the legislative body of the municipality and to the state librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in addition to other matters deemed expedient by the board of trustees or library and cultural arts director, contain such statistical and other information as is deemed desirable by the state librarian. For this purpose, the state librarian may send to the several boards of trustees or library and cultural arts director instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state. (Ord. CS-164 § 16, 2011; Ord. CS-036 § 1, 2009; Ord. 1072 § 19)

2.16.095 Safety, preservation and application of funds not payable into library trust fund. If payment into the library trust fund or other fund is inconsistent with the conditions or terms of any gift, devise or bequest, the board of library trustees shall provide for the safety and preservation of the funds, and the application thereof to the use of the library in accordance with the terms and conditions of the gift, devise or bequest. (Ord. CS-036 § 1, 2009; Ord. 1072 § 22)

2.16.105 Free use of library by residents and nonresident taxpayers—Exclusions. Every city library established pursuant to this chapter shall be forever free to the residents and nonresident taxpayers of the municipality, subject always to such rules and regulations as may be made by the board of library trustees. Any person who violates any rule or regulation may be fined or excluded from the privileges of the library. (Ord. CS-036 § 1, 2009; Ord. 1072 § 24)

2.16.110 Contracts for lending books with neighboring municipalities or county—Compensation. The board of library trustees and the legislative body of any neighboring municipality or the board of supervisors of the county in which the public library is situated, may contract for lending the books of the library to residents of the county or neighboring municipality, upon a reasonable compensation to be paid by the county or neighboring municipality. (Ord. CS-036 § 1, 2009; Ord. 1072 § 25)

2.16.115 Title to property. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or otherwise designated, vests in the municipality in which the library is situated, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise. The city council may authorize title to any property acquired for the purposes of the library to be vested in the board of library trustees. (Ord. CS-036 § 1, 2009; Ord. 1076 § 1; Ord. 1072 § 26)
Chapter 2.18

CARLSBAD ARTS COMMISSION

Sections:

2.18.010 Created.
2.18.020 Purpose.
2.18.030 Membership—Terms—Vacancies.
2.18.040 Compensation.
2.18.050 Chair.
2.18.060 Meetings.
2.18.070 Staff liaison.
2.18.080 Duties.
2.18.090 Rules.
2.18.100 Powers generally.
2.18.110 Appropriations for arts.
2.18.120 Selection and placement of works of art.
2.18.130 Powers delegated to commission to be advisory.

2.18.010 Created.
A Carlsbad Arts Commission for the city is created. (Ord. CS-124 § 2, 2011)

2.18.020 Purpose.
The purpose of the Carlsbad Arts Commission is to advise the city council on arts and culture related matters and implementation of the arts element of the Carlsbad General Plan. (Ord. CS-268 § 1, 2015; Ord. CS-124 § 3, 2011)

2.18.030 Membership—Terms—Vacancies.
The Carlsbad Arts Commission shall consist of seven members appointed by the mayor with the approval of the city council. Of the members so appointed, three shall be for a term of three years, two shall be for a term of two years and two shall be for a term of one year. Their successors shall be appointed for a term of four years and be eligible for a second successive term. Members appointed to an unexpired term are eligible for two successive terms in addition to the unexpired term. Members shall be residents of the City of Carlsbad. (Ord. CS-124 § 4, 2011)

2.18.040 Compensation.
The Carlsbad Arts Commission shall act without compensation. (Ord. CS-124 § 5, 2011)

2.18.050 Chair.
The members of the Carlsbad Arts Commission shall elect their own chair who shall preside at all meetings. The chair shall hold office for a term of one year. Thereafter a new chair shall be elected at each succeeding year. One chair may serve for more than one successive term. (Ord. CS-124 § 6, 2011)

2.18.060 Meetings.
The Carlsbad Arts Commission shall establish a regular time and place of meetings and shall hold not less than one meeting per quarter. The majority of the appointed members shall constitute a quorum for the purpose of transacting the business of the commission. (Ord. CS-124 § 7, 2011)
2.18.070  **Staff liaison.**
The city manager shall appoint an employee of the city to act as staff liaison to the commission. (Ord. CS-124 § 8, 2011)

2.18.080  **Duties.**
The Carlsbad Arts Commission shall have the power, and it shall be the duty of the commission, to make recommendations to the city council on arts and culture related matters and advise it on the implementation of the arts element of the general plan. (Ord. CS-268 § 2, 2015; Ord. CS-124 § 9, 2011)

2.18.090  **Rules.**
The commission may adopt its own rules and regulations. (Ord. CS-124 § 10, 2011)

2.18.100  **Powers generally.**
The Carlsbad Arts Commission shall have the power to:

A.  Encourage and advocate for the arts.

B.  Provide assistance and guidance to the cultural arts office regarding arts programming, public art and arts-related educational programming.

C.  Recommend to city council policies related to arts programming, public art and arts-related educational programming.

D.  Provide a forum for citizen concerns regarding art issues.

E.  Assign members to serve on advisory committees related to arts programming, public art, arts-related educational programming and arts-related ad hoc committees that may be established from time to time. No more than three commissioners may serve on the same advisory or ad hoc committee at one time. All ad hoc committees of the arts commission shall be open to the public and subject to “The Brown Act,” pursuant to Section 2.08.110 of this code.

F.  Provide financial assistance whenever feasible to groups or individuals who provide public arts programming to the citizens.

G.  Recommend to city council the planning and development of new or augmented arts facilities as may be needed.

H.  Recommend to city council all works of art to be acquired by the city, either by purchase, gift or otherwise, and their proposed locations.

I.  Recommend to city council regarding the conservation, restoration, relocation or disposition of works of art in the city’s possession.

J.  Determine a method or methods of recommending the selection and commissioning of artists with respect to the design, execution and placement of works of art for which appropriations have been made, and pursuant to such method or methods, recommend to the city council selection of artists by contract for such purposes. (Ord. CS-124 § 11, 2011)

2.18.110  **Appropriations for arts.**

A.  All city departments shall include in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects, an amount for works of art equal to at least one percent of the total cost of any such construction project as estimated in the city’s capital improvement program for the year in which such estimate or request is made. If there are legal restrictions on the source of funding with respect to any particular project which precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making the required estimate.
B. The city council may make appropriations for works of art in connection with construction projects as provided in this chapter.

C. Construction project means any of the following:
   1. Construction, reconstruction, or renovation in excess of $500,000.00, involving any publicly owned, leased, or operated facility including any plant, building, structure, utility system, real property, streets and highways, or other public work improvement.
   2. Street or streetscape improvement projects other than street repair or reconstruction. In the case of streetscape and right-of-way enhancement projects, streetscape means an improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign, and furniture. Some funding sources (e.g., sources restricted to “transportation purposes” or “direct construction costs”) may prohibit formula-based expenditures for art. Thus, percent for art will not be collected from those sources. However, city council may provide funding for public art for street or streetscape improvements from general fund revenues on a case by case basis.
   3. In the case of a publicly owned utility system, capital improvement project shall include only the construction, erection, improvement, of dams, reservoirs and power plants.

D. For the purposes of the art in public places program, capital improvement project does not mean any of the following maintenance work:
   1. Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility (see Section 2.18.110(C)(1)) for its intended purposes.
   2. Resurfacing of streets and highways.
   3. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
   4. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, and power plants.

E. Annually, the administrative services department of the City of Carlsbad will verify the one percent for public art allocation for all eligible CIP projects has been included in the budgeted amounts for city council approval. As an alternative, where funding for eligible projects is restricted and cannot be used for public art, the council may appropriate percent for art funding from the general capital construction fund or the general fund. The funds for art allocations may be used for projects located at the direct site of the CIP project, or pooled for other future public art projects identified by the cultural arts manager and Carlsbad Arts Commission. The park in lieu fee funded percent for art allocations must be used for artwork at a park within the same quadrant where the fee was paid.

F. Any funds realized from the disposition of objects in the city’s art in public places collection shall be used for the benefit of the city’s art in public places collection; specifically, for the purposes of acquiring, restoring and refurbishing public art. Notwithstanding the foregoing sentence, the city council shall have the discretion to appropriate any funds realized from the disposition of objects in the city’s art in public places collection for other purposes. (Ord. CS-268 § 3, 2015; Ord. CS-124 § 12, 2011)

2.18.120 Selection and placement of works of art.
A. The selection of artists, commissioning of artworks, acceptance of donated artworks, and placement of works of art shall be governed by the art in public places program as developed and adopted by the Carlsbad Arts Commission and city council.

B. The arts commission shall further have the power to promulgate and adopt rules and regulations pertaining to the art in public places program. (Ord. CS-268 § 4, 2015; Ord. CS-124 § 13, 2011)
2.18.130 **Powers delegated to commission to be advisory.**

Nothing in this chapter shall be construed as restricting any of the powers of the city council, or as a delegation of the Carlsbad Arts Commission of any of the authority or discretionary powers vested and imposed by law in the city council. The city council declares that the public interest requires the appointment of a Carlsbad Arts Commission to act in a purely advisory capacity to the city council for the purposes enumerated. Any power herein delegated to the commission to adopt rules and regulations shall not be construed as a delegation of legislative authority but purely a delegation of administrative authority. (Ord. CS-124 § 14, 2011)
Chapter 2.20

FINANCIAL MANAGEMENT DIRECTOR

Sections:
2.20.010 Office created—Authority.
2.20.020 Appointment.
2.20.030 Qualifications.
2.20.050 Compensation.
2.20.060 Powers and duties.
2.20.070 Absence or disability.

2.20.010 Office created—Authority.
The office of financial management director is created and established. The financial management director shall be the chief accounting officer of the city and shall consolidate all accounting matters of the city in this office, as an entirely separate and distinct entity from all other departments. (Ord. NS-139 § 1, 1991; Ord. 1050 § 1)

2.20.020 Appointment.
The office of financial management director shall be appointive and he or she shall be appointed by the city manager. (Ord. NS-139 § 1, 1991; Ord. 1050 § 2)

2.20.030 Qualifications.
The financial management director shall be qualified by sufficient technical accounting training, skill and experience to be proficient in the office. The financial management director shall also show evidence of his or her executive ability. (Ord. NS-139 § 1, 1991; Ord. 1050 § 3)

2.20.050 Compensation.
The financial management director shall receive such compensation as the city council from time to time determines and fixes by budget or resolution and such compensation shall be a proper charge against such funds of the city as the council designates. (Ord. NS-139 § 1, 1991; Ord. 1050 § 5)

2.20.060 Powers and duties.
The financial management director shall be the head of the finance department of the city and shall have the power and is required to do the following:

A. Administration of Financial Affairs. The financial management director shall have charge of the administration of the financial affairs of the city under the direction of the city manager;

B. Budget. The financial management director shall compile the budget expense and income estimates for the city manager;

C. Accounting System. The financial management director shall maintain a general accounting system for the city government and of each of the offices, departments and agencies;

D. Disbursements. The financial management director shall supervise and be responsible for the disbursement of all moneys and have control of all expenditures, audit all purchase orders before issuance; audit and approve before payment by the city council and treasurer all bills, invoices, payrolls, demands or other charges against the city government and with the advice of the city attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges to insure that budget appropriations are not exceeded;
E. Financial Reports. The financial management director shall submit to the city council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city; and, as of the end of each fiscal year, submit a complete financial statement and report;

F. Property Inventory. The financial management director shall supervise the keeping of current inventories of all property of the city by all city departments, offices and agencies. At least once in each fiscal year, and at such other times as by resolution the council may direct, an inventory shall be made of such personal property and equipment belonging to the city as is of a permanent nature and classified as capital investment;

G. Other Delegated Duties. The financial management director shall perform all the financial and accounting duties heretofore imposed upon the city clerk, and the city clerk shall be, and the city clerk is, relieved of all such duties, including all such duties imposed upon the city clerk by Article 1 of Chapter 4, Part 2, Division 3, Title 4, and by Sections 40802 through 40805 inclusive of the Government Code of the state;

H. Other Functions. The financial management director shall perform such other functions as the city manager may from time to time specify, or such other functions as may be prescribed from time to time, by action of the city council. (Ord. NS-139 § 1, 1991; Ord. 1215 § 1, 1979; Ord. 1050 § 6)

2.20.070 Absence or disability.
Should the financial management director be absent or disabled, the city manager shall designate a temporary acting financial management director. (Ord. NS-139 § 1, 1991; Ord. 1050 § 7)
Chapter 2.24

PLANNING COMMISSION

Sections:
2.24.010 Created.
2.24.020 Composition—Appointment.
2.24.030 Absence from meetings.
2.24.040 Regular and adjourned meetings.
2.24.050 Officers—Rule adoption—Records.
2.24.060 Duties.
2.24.065 General plan conformance—Time for or waiver of report.
2.24.070 Quorum and vote.

2.24.010 Created.
Under and pursuant to an act of the legislature of the state, known as the “conservation and planning law,” a planning commission for the city is created and established. (Ord. CS-040 § I, 2009; Ord. 1020 § 1)

2.24.020 Composition—Appointment.
The planning commission shall consist of seven members to be appointed by a majority vote of the council, and of four ex officio members who shall be the community and economic development director, the city engineer, the city attorney and the city planner. Of the seven members of the commission first appointed under this chapter, two shall be appointed for one-year terms, two shall be appointed for three-year terms, and one shall be appointed for a four-year term. Their successors shall be appointed for terms of four years. If a vacancy occurs otherwise than by expiration of term, it shall be filled by appointment by a majority vote of the council for the unexpired portion of the term of the member so vacating. The terms of ex officio members shall correspond to their respective official tenures. No ex officio member shall be entitled to a vote. Each member shall hold office until the member is reappointed or the member’s successor is appointed. (Ord. CS-164 §§ 10, 14, 2011; Ord. CS-040 § I, 2009; Ord. NS-676 §§ 1, 2, 2003; Ord. 1256 § 1, 1982; Ord. 1200 § 1, 1977; Ord. 1157 § 1, 1973; Ord. 1020 § 2)

2.24.030 Absence from meetings.
If a member of the planning commission is absent from three successive meetings of the commission without cause, the city planner shall inform the mayor of such absence, who may therewith remove the member from the commission without further notice. (Ord. CS-164 § 10, 2011; Ord. CS-040 § I, 2009; Ord. NS-676 § 2, 2003; Ord. 1261 § 2, 1983; Ord. 1020 § 3)

2.24.040 Regular and adjourned meetings.*
A regular meeting shall be held at least once a month, or more often if the planning commission may by rule adopt. Any meeting held pursuant to rule of the planning commission, or any special meeting advertised as a public hearing, shall be deemed a regular meeting. The commission may adjourn any regular meeting from time to time to meet at a time and place specified at the regular meeting and any such adjourned meeting shall be deemed to be a regular meeting. (Ord. CS-040 § I, 2009; Ord. 1020 § 4)

* For provisions on attendance of city manager at commission meetings, see Section 2.12.125 of this code.

2.24.050 Officers—Rule adoption—Records.
The planning commission shall elect from among its appointed members a chair and vice-chair to serve for a term of one year. It shall adopt rules for the transaction of business and shall keep a record of the resolu-
2.24.060

tions, transactions, findings and determinations, which record shall be a public record. (Ord. CS-040 § I, 2009; Ord. 1157 § 2, 1973; Ord. 1020 § 5)

2.24.060 Duties.
In addition to the duties specified by this chapter, the planning commission shall perform the duties and have all the rights, powers and privileges specified and provided for by city or state law. For the village review area, the planning commission shall be responsible for the administration of, and shall carry out the duties specified in Chapters 21.35 and 21.81 of the Carlsbad Municipal Code. (Ord. CS-040 § I, 2009; Ord. 9424 § 1, 1975; Ord. 1020 § 6)

2.24.065 General plan conformance—Time for or waiver of report.
A. The planning commission shall not be required to report as to conformity with the general plan regarding real property acquired by dedication or otherwise for street, square, park or other public purposes, the disposition of real property, vacated or abandoned streets, and the construction or authorization of a public building or structure. The city council shall make a finding of consistency with the general plan when approving any of the above.
B. The planning commission shall not be required to make a general plan consistency finding for the list of proposed public works recommended for planning, initiation or construction during the ensuing fiscal year for the city’s capital improvement program. The city council shall make the general plan consistency finding when approving the city’s annual capital improvement program or any amendments thereto. (Ord. CS-071 § 1, 2009; Ord. CS-040 § I, 2009; Ord. 9424 § 2, 1975)

2.24.070 Quorum and vote.
A. Four members of the planning commission shall constitute a quorum for the transaction of business.
B. Except when otherwise provided by law, a majority vote of the quorum shall be required for any planning commission action, provided that a recommendation for approval of a general plan amendment shall be made by at least four affirmative votes.
C. Tie votes shall constitute “no action,” and the matter voted upon remains before the commission and is subject to further commission consideration. If the commission is unable to take action on a matter before it because of a tie vote, the matter shall be again considered at the next regular commission meeting. If the matter receives a tie vote at the subsequent meeting, the matter shall be deemed denied.
D. Every commissioner should vote unless disqualified by reason of conflict of interest. A commissioner who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon. (Ord. CS-040 § I, 2009; Ord. NS-135 § 1, 1991; Ord. 1247 § 1, 1982; Ord. 1244 § 1, 1982; Ord. 1159 § 1, 1973)
Chapter 2.28

TRAFFIC SAFETY COMMISSION

Sections:

2.28.010  Created.
2.28.020  Membership—Appointment—Terms.
2.28.040  Officers—Meetings—Reports—Conduct of meetings.
2.28.050  Duties.

2.28.010  Created.
A traffic safety commission for the city is created. (Ord. CS-214, 2013; Ord. NS-169 § 4, 1991; Ord. 1262, 1983; Ord. 1106 § 1, 1968)

2.28.020  Membership—Appointment—Terms.
The traffic safety commission shall consist of five members appointed by the mayor and confirmed by the city council. Each member shall serve until their successor is duly appointed. The members shall serve staggered terms at least two years apart. In order to stagger the terms, upon the next appointment of commission members after the effective date of the ordinance from which this section derives, two members will be appointed for terms expiring two years thereafter and three members will be appointed for terms expiring four years thereafter. All subsequent appointments will be for four-year terms. Members of the commission may be removed by the mayor with the consent of the city council at any time. The transportation director shall be an ex officio member and serve as secretary to the commission. The ex officio member shall not be entitled to vote. (Ord. CS-214, 2013; Ord. CS-164 § 2, 2011; Ord. CS-031 § 1, 2009; Ord. NS-169 § 4, 1991; Ord. 1262, 1983; Ord. 1106 § 2, 1968)

2.28.040  Officers—Meetings—Reports—Conduct of meetings.
The commission shall elect a chair, a vice chair, and such other officers as it deems desirable. The officers shall serve for a term of one year and until the election of successors. The commission shall hold meetings no less than once during each calendar month (provided agenda items exist), and shall send a report of each month’s meeting to the city council. The commission may adopt its own rules and regulations. (Ord. CS-214, 2013; Ord. NS-110 § 1, 1990; Ord. 1262, 1983; Ord. 1106 § 4, 1968)

2.28.050  Duties.
It shall be the duty of the traffic safety commission to study all matters referred to it concerning traffic safety and pedestrian safety and to make written recommendations to the city council regarding measures that should be taken to promote traffic and pedestrian safety within the city as follows:

A. Review staff studies and make recommendations to the city council on matters involving traffic and pedestrian safety;
B. Provide a public forum to review citizen complaints and requests regarding traffic and pedestrian safety;
C. Provide recommendations for revision to the city codes and plans on matters involving traffic and pedestrian safety, parking and school safety. (Ord. CS-214, 2013; Ord. NS-9 § 1, 1988; Ord. 1262, 1983; Ord. 1106 § 5, 1968)
Chapter 2.36

PARKS AND RECREATION COMMISSION

Sections:

2.36.010 Created.
2.36.020 Membership—Terms—Vacancies.
2.36.030 Compensation of members.
2.36.040 Chair.
2.36.060 Meetings.
2.36.070 Duties.
2.36.075 Additional duties.
2.36.080 Powers generally.
2.36.090 Funds—Disposition of moneys.
2.36.100 Budget.
2.36.110 Powers delegated to commission to be advisory.

2.36.010 Created.
A parks and recreation commission for the city is created. (Ord. 1025 § 1)

2.36.020 Membership—Terms—Vacancies.
The parks and recreation commission shall consist of seven members, who may be persons who hold an office or a position with the city; provided, however, that the number of members of such commission who are not officials of the city shall exceed the number of members who may be officers or employees of such city. Members are to be appointed by the mayor and shall be approved by the city council. Of the members of the commission first appointed hereunder, one shall be for a term of four years, two shall be for a term of three years, two shall be for a term of two years and two shall be appointed for a term of one year. Their successors shall be appointed for the terms of four years. If vacancies shall occur otherwise than by expiration of the term, they shall be filled in the same fashion as the original members were appointed. (Ord. 1025 § 2)

2.36.030 Compensation of members.
The parks and recreation commission shall act as such without any compensation. (Ord. 1025 § 6)

2.36.040 Chair.
The appointed members of the parks and recreation commission shall elect their own chair, who shall preside at all meetings. The chair, as elected by the commission, shall hold office for a term of one year from and after his or her date of election. Thereafter, successive elections shall elect a new chair at each succeeding year. One chair may serve for more than one successive term. (Ord. 1025 § 3)

2.36.060 Meetings.*
The parks and recreation commission shall meet at such time or times as the members may in their discretion see fit; provided, that such meetings be held at least once each month. The majority of the appointed members shall constitute a quorum for the purpose of transacting the business of the commission. (Ord. 1025 § 4)

* As to attendance of city manager at commission meetings, see Section 2.12.125.
2.36.070 Duties.
The parks and recreation commission shall have the power, and it shall be the duty of the commission, to make recommendations to the city council and to advise the council in matters pertaining to the creation, operation, maintenance, management and control of community recreation programs, of playgrounds and indoor and outdoor recreations, activities and facilities. Further, it shall be the duty of the commission to advise and make recommendations to the city council on matters pertaining to planting, trimming, pruning, and care of all trees, shrubs or plants and to the removal of all objectionable trees, shrubs and plants in and upon any park of the city. (Ord. NS-547 § 1, 2000; Ord. 1025 § 7)

2.36.075 Additional duties.
The parks and recreation commission shall have the additional power, and it shall be the duty of the commission to review tree-related issues and to determine the needs of the city with respect to its tree planting, replacement, maintenance and preservation programs.
The commission will also make recommendations to the city council on policies, regulations or ordinances pertaining to the care and protection of public trees and the selection of specific species of trees for designation along city streets, including the development of a community forest management plan for the city.
In addition, in accordance with Section 11.12.150 of this code, the parks and recreation commission shall hear appeals from decisions of the city manager acting through the parks and recreation director or designee, regarding the planting or removal of street trees. (Ord. CS-072 § 1, 2009; Ord. NS-547 § 2, 2000)

2.36.080 Powers generally.
The parks and recreation commission shall have the power to equip, operate, supervise and maintain playgrounds, athletic fields, swimming pools, swimming centers, indoor recreation centers, auditoriums, or other park or recreational facilities on or in any public grounds or buildings in or about the city, which the commission may from time to time acquire, provide, authorize and designate for such use, subject to the approval of the city council. The commission shall further have the power to adopt rules and regulations pertaining to the cutting, trimming, pruning, planting, removal or interference with any tree, shrub or plant upon any street, park, pleasure ground, boulevard, alley or public place of the city. (Ord. 1025 § 9)

2.36.090 Funds—Disposition of moneys.
A. Funds Generally. The parks and recreation commission is authorized to and may receive donations, gifts, legacies, endowments or bequests made to the city or to the commission for or in behalf of the city for the acquisition of parks and recreation facilities and the construction, maintenance and operation of any of the foregoing facilities, subject to the approval of the city council.
B. Gifts Paid to Treasurer. All donations, gifts, legacies, endowments or bequests so received by the commission shall be turned over to the city treasurer, and shall be kept in a special fund to be designated as the parks and recreation fund.
C. Parks and Recreation Fund. The city council shall establish a fund to be known as the “parks and recreation fund.” There shall be deposited to and expended from this fund all fees or moneys received by the commission, including the proceeds from all gifts, legacies or bequests as set forth in subsection B and including the proceeds of other sources managed or controlled by the commission and derived by it in connection with the operation of the public recreational activities and facilities under its jurisdiction. All moneys in the fund shall be used for the promotion, supervision and operation of public recreation, and not otherwise, and if not used during any current year shall accumulate in the parks and recreation fund.
D. Carrillo Ranch Trust. A special trust fund is hereby established to receive and hold donations of money, artifacts, and memorabilia for the Carrillo Ranch. Proposed donations shall be referred to the parks and recreation commission for a recommendation before acceptance. Donations of $500.00 or less may be accepted by the city manager. Donations over $500.00 may be accepted by the city coun-
2.36.100

cil. All donations accepted in the trust must be used exclusively for purposes relating to the development, operation, and maintenance of the Carrillo Ranch. (Ord. NS-113 § 1, 1990; Ord. 1025 § 10)

2.36.100 Budget.
The parks and recreation commission shall submit a budget for required funds to the city council on or before the 30th day of June of each year. (Ord. 1025 § 11)

2.36.110 Powers delegated to commission to be advisory.
Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the city council, or as a delegation to the parks and recreation commission of any of the authority or discretionary powers vested and imposed by law in the city council. The city council declares that the public interest, convenience and welfare require the appointment of a parks and recreation commission to act in a purely advisory capacity to the city council for the purposes enumerated. Any power herein delegated to the commission to adopt rules and regulations shall not be construed as a delegation of legislative authority but purely a delegation of administrative authority. (Ord. 1025 § 12)
Chapter 2.38

SENIOR COMMISSION

Sections:
2.38.010 Created.
2.38.020 Membership—Appointment—Terms.
2.38.030 Meetings.
2.38.040 Functions.
2.38.050 Funds—Disposition of money.
2.38.060 Powers delegated to commission to be advisory.

2.38.010 Created.
A senior commission of the city is created. (Ord. NS-45 § 1, 1988; Ord. 1282 § 1, 1985)

2.38.020 Membership—Appointment—Terms.
The senior commission shall consist of five members appointed by the mayor with the approval of the city council. Members shall serve four-year terms. The senior coordinator shall be an ex officio member of the commission. The ex officio member shall not be entitled to vote. (Ord. NS-169 § 5, 1991; Ord. NS-45 § 1, 1988; Ord. 1282 § 1, 1985)

2.38.030 Meetings.
The senior commission shall meet at such time or times as the commission may establish by rule, provided that a regular meeting shall be held at least once each month. The majority of the appointed members shall constitute a quorum for the purpose of transacting the business of the commission. The commission shall elect a chair and shall establish rules and procedures necessary for the conduct of its business. (Ord. NS-45 § 1, 1988; Ord. 1282 § 1, 1985)

2.38.040 Functions.
It is the responsibility of the senior commission to make recommendations to the city council and to advise the city council on the special needs and concerns of seniors, including the creation, operation, maintenance, management and control of senior programs, activities and facilities. (Ord. NS-45 § 1, 1988; Ord. 1282 § 1, 1985)

2.38.050 Funds—Disposition of money.
The senior commission is authorized to and may receive donations, gifts, legacies, endowments or bequests made to the city or to the commission for or on behalf of the city. All donations, gifts, legacies, endowments or bequests so received by the commission shall be turned over to the city treasurer and shall be kept in a special fund to be designated as the senior fund. All moneys in the fund shall be used for promotion, supervision and operation of senior programs. No moneys in the fund shall be spent without prior council authorization. (Ord. NS-45 § 1, 1988; Ord. 1282 § 1, 1985)

2.38.060 Powers delegated to commission to be advisory.
Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the city council, or as a delegation to the senior commission of any of the authority or discretionary powers vested and imposed by law in the city council. The city council declares that the public interest, convenience and welfare require the appointment of a senior commission to act in a purely advisory capacity to the city council for the purposes enumerated. Any power herein delegated to the commission to adopt rules and regulations shall not
be construed as a delegation of legislative authority but purely a delegation of administrative authority. (Ord. NS-45 § 1, 1988; Ord. 1282 § 1, 1985)
Chapter 2.40

HOUSING COMMISSION

Sections:

2.40.010 Established.
2.40.020 Membership.
2.40.030 Qualifications.
2.40.040 Meetings.
2.40.050 Vote required.
2.40.060 Functions.
2.40.080 Relocation appeals board.

2.40.010 Established.
Pursuant to Section 34291 of the California Health and Safety Code, a housing commission is created as an advisory body to the city council and community development commission. (Ord. CS-199 § 1, 2013; Ord. NS-467 § 1, 1999)

2.40.020 Membership.
A. The housing commission shall consist of five members. The members shall be appointed by the mayor and confirmed by the city council. After the initial term, the members shall serve four-year terms; and each member shall serve until their successor is duly appointed and qualified. The initial members of the commission shall serve staggered terms as follows:
   1. Two members shall serve for a period of two years; and
   2. Three members shall serve for a period of four years.
B. Members shall serve without compensation. Members of the commission may be removed by the mayor with the consent of the city council. (Ord. NS-467 § 1, 1999)

2.40.030 Qualifications.
All members of the housing commission shall be residents of the city and registered voters. In addition, two members of the housing commission shall be tenants assisted by the Carlsbad housing authority, one of which shall be at least 62 years of age. The remaining three members shall, to the extent possible, have experience and expertise within one or more of the following areas: development, construction, real estate, social services, housing advocacy, planning, architecture or finance. To the extent possible, the commission members shall be representative of the four quadrants of the city. If a tenant member ceases to be a tenant assisted by the authority and/or ceases to reside within the city limits of Carlsbad, or a nontenant member ceases to reside within the city limits of the city, his or her membership on the commission shall terminate and another member shall be appointed for the remainder of the unexpired term. (Ord. NS-467 § 1, 1999)

2.40.040 Meetings.
The housing commission shall meet regularly, on days and times established by the commission for the transaction of business. The commission may adjourn any regular meeting to a time and place specified at the regular meeting and any such adjourned meeting shall be deemed a regular meeting. The housing commission shall elect from among its appointed members a chair and vice-chair. The rules and procedures of the planning commission shall be modified, as necessary, and approved by the housing commission for the conduct of its business. (Ord. NS-467 § 1, 1999)
2.40.050 **Vote required.**

Three members of the housing commission shall constitute a quorum. The affirmative vote of three members shall be necessary for any action by the commission. (Ord. NS-467 § 1, 1999)

2.40.060 **Functions.**

The housing commission shall advise and make recommendations to the community development commission and/or the city council on the following matters:

A. Establishment of, or amendment of affordable housing programs, policies and regulations;
B. Adoption of, or amendments to, the general plan housing element, and related strategies or programs;
C. Review of project concept and affordability objectives of off-site combined projects as defined by Chapter 21.85 of this code and located outside of the master plan area, specific plan area or subdivision which has the inclusionary housing requirement;
D. Requests for financial assistance and/or incentives for the development of affordable housing projects;
E. Requests to sell or purchase affordable housing credits for transaction/purchases of 10 credits or more to satisfy an inclusionary housing obligation;
F. The commission shall annually report to the city council on the status and progress of affordable housing programs;
G. Other special assignments as requested by the community development commission and/or city council as related to the development of affordable housing. (Ord. CS-199 § 1, 2013; Ord. NS-467 § 1, 1999)

2.40.080 **Relocation appeals board.**

Pursuant to Government Code Section 7266, the housing commission is designated as the relocation appeals board for the city, the municipal water district, and the redevelopment agency of the city to hear and determine (subject to appeal to the appropriate governing body) complaints regarding relocation and compliance with applicable local, state and federal relocation assistance laws and regulations. (Ord. NS-574 § 1, 2001)
Chapter 2.42

HISTORIC PRESERVATION COMMISSION

Sections:

2.42.010 Created.
2.42.020 Membership.
2.42.030 Term of office.
2.42.040 Duties.
2.42.050 Rules and procedures.

2.42.010 Created.
A historic preservation commission of the city is created. (Ord. NS-433 § 1, 1997)

2.42.020 Membership.
Membership on the historic preservation commission shall consist of the following:

A. Five regular members and one ex officio representative from the planning commission. All regular members of the commission must have knowledge of and a demonstrated interest in historic preservation and local history. Three members will have a background or an interest in architecture, archaeology, history, biology, engineering, geology or a related field. Two members will have an interest in local history and will serve at large from the community.

B. All members of the commission must be Carlsbad residents and registered voters. The ex officio representative shall not be entitled to a vote. Appointment to the historic preservation commission shall be made by the city council. The planning commission shall appoint a member to serve as the ex officio representative. (Ord. NS-433 § 1, 1997)

2.42.030 Term of office.
Of the five members of the commission first appointed, one member shall be appointed for three years and two members shall be appointed for four years. The successors shall be appointed for terms of four years. If a vacancy occurs other than by expiration of a term, it shall be filled by appointment by the city council for the unexpired portion of the term. Each member shall hold office until reappointed or a successor is appointed. (Ord. NS-433 § 1, 1997)

2.42.040 Duties.
Duties of the historic preservation commission are as follows:

A. The commission shall act in an advisory capacity to the city council, planning commission, housing commission, and design review board in all matters relating to the identification, protection, retention, and preservation of historic resources within the city.

B. It shall be the responsibility of the commission to provide advice to the city council on the following matters:
   1. Criteria for guidelines to be used in a comprehensive historic survey of properties within the city;
   2. The designation of historic resources;
   3. Maintaining the Carlsbad historic resources inventory adopted by the city council;
   4. Hiring of staff or consultants to conduct a comprehensive survey of properties within the boundaries of the city to identify historical sites and areas;
   5. Participation in and promotion and dissemination of public information, education, and interpretive programs pertaining to historical areas and sites;
6. Cooperation with local, county, state, and federal governments in pursuit of the objectives of historic preservation; and

7. Any other matter which the commission deems necessary to protect historical resources.

C. The commission shall be responsible for:
   1. Publicizing and periodically updating survey results;
   2. Maintaining a Carlsbad historic resources inventory;
   3. Investigating and reporting to the city council on the use of various federal, state, local, or private funding sources available to promote historic preservation in the city;
   4. Rendering advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historical area or site; and
   5. Performing any other functions that may be designated by the city council. (Ord. NS-433 § 1, 1997)

2.42.050 Rules and procedures.
The historic preservation commission shall establish such rules, regulations, and procedures consistent with this chapter for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. (Ord. NS-433 § 1, 1997)
Chapter 2.44

PERSONNEL

Sections:
2.44.010 Adoption of personnel merit—System for classified service.
2.44.020 Personnel officer.
2.44.030 City service.
2.44.035 Volunteers and contractors.
2.44.040 Rule adoption and amendment.
2.44.050 Appointments.
2.44.060 Probationary period.
2.44.070 Status of present employees.
2.44.080 Applicability of rules to certain exempt positions.
2.44.090 Abolition of position.
2.44.095 Right of appeal.
2.44.100 Political activity.
2.44.110 Political activities not affected.
2.44.120 Discrimination.
2.44.130 Solicitation of contributions.
2.44.140 Right to contract for special service.
2.44.150 Appropriation of funds.

2.44.010 Adoption of personnel merit—System for classified service.
In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to munici-
pal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and to provide a reason-
able degree of security for qualified employees, the following personnel merit system is adopted for positions in the classified service. (Ord. NS-793 § 8, 2006; Ord. 1120 § 1, 1970)

2.44.020 Personnel officer.
The city manager will be the personnel officer. The city manager may delegate any of the powers and duties conferred upon him or her as personnel officer under this chapter to any other officer or employee of the city or may recommend that such powers and duties be performed under contract as provided in Section 2.44.140. The personnel officer will:
A. Administer all provisions of this chapter and of the personnel rules not specifically reserved to the council;
B. Prepare and recommend to the council revisions and amendments to the personnel rules. The city attor-
   ney will approve the legality of such revisions and amendments prior to their submission to the council;
C. Prepare or cause to be prepared a position classification plan, including class specifications, and revi-
   sions of the plan. The plan, and any revisions thereof, will become effective upon approval by the council;
D. Prepare or cause to be prepared, a plan of compensation, and any subsequent revisions to it, covering all classifications in the classified service. The plan, and any revisions thereof, will become effective upon approval by the council;
E. Publish or post notices of examinations for positions in the classified service; receive applications; con-
   duct and score examinations and certify to the appointing power a list of all persons eligible for ap-
2.44.030 City service. The provisions of this chapter will apply to all offices, positions and employees in the service of the city, except:

A. Elective officers;
B. Members of appointive boards, commissions and committees;
C. Persons engaged under contract to supply expert, professional or technical services for a definite period of time;
D. Volunteer personnel who receive no regular compensation from the city;
E. City manager;
F. Assistant city manager;
G. Administrative assistants;
H. All department heads hired on or after November 1, 1975;
I. City attorney;
J. Assistant city attorney and deputy city attorney;
K. Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property;
L. Employees, other than those listed elsewhere in this section, who are employed less than half time, which is defined as employees who are expected to or do work less than 1,040 hours in any one fiscal year;
M. General manager, assistant general manager, district engineer, superintendent and administrative analyst positions of the municipal water district. (Ord. NS-793 § 5, 2006; Ord. NS-159 § 1, 1991; Ord. NS-93 § 1, 1989; Ord. 1261 § 3, 1983; Ord. 1225 § 1, 1979; Ord. 1219 § 1, 1979; Ord. 1211 § 1, 1978; Ord. 1196 § 1, 1976; Ord. 1186 § 1, 1975; Ord. 1166 § 1, 1974; Ord. 1120 § 3, 1970)

2.44.035 Volunteers and contractors. The provisions of this chapter do not apply to and are not intended to confer any employment rights or benefits on volunteers or persons under contract to supply expert, professional, technical or other services for the city. (Ord. NS-793 § 12, 2006)

2.44.040 Rule adoption and amendment. Personnel rules, prepared by the personnel officer subject to this chapter and to revisions by the council, will be adopted, and may be amended from time to time, by resolution of the council. The rules will establish specific procedures and regulations governing the following phases of the personnel system:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;
B. Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;
C. Public announcement of all tests and the acceptance of applications for employment;
D. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
E. Certification and appointment of persons from employment lists, and making of part-time, temporary, and emergency appointments;
F. Evaluation of employees during the probationary period;
G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the classified service;
H. Separation of employees from the classified service;
I. Standardization of hours of work, attendance and leave regulations, working conditions, and the development of employees' morale, welfare and training;
J. Suitable provision for orderly and equitable presentations to the city manager and to the city council by employees relating to general conditions of employment, including the establishment of appeals procedures;
K. The establishment of adequate personnel records;
L. The provision of a grievance procedure for classified employees. (Ord. NS-793 §§ 5, 6, 2006; Ord. 1182 § 1, 1975; Ord. 1130 § 1, 1971; Ord. 1120 § 4, 1970)

2.44.050 Appointments.
A. Appointments to vacant positions in the classified service will be made in accordance with the personnel rules. Appointments and promotions will be based on merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations will be used and conducted to aid in the selection of qualified employees, and will consist of recognized selection techniques such as achievement aptitude tests and other written tests, personal interviews, performance tests, physical agility tests, evaluations of daily work performance, or any combination of these, which will, in the opinion of the personnel officer, test fairly the qualifications of candidates. Physical and medical tests may be given as a part of any examination when otherwise permitted by state and federal law. In any examination, the personnel officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.
B. Appointments of department heads and other employees who are not part of the classified service will be made by the city manager, except as otherwise provided in this title.
C. Notwithstanding the above, the city attorney will have appointing power for vacant positions in the city attorney's office.
D. Department heads may appoint and remove officers and employees in their respective departments or areas of supervision, upon written authorization of the city manager and subject to the applicable provisions of this chapter and the personnel rules. (Ord. NS-793 §§ 5, 6, 13, 2006; Ord. NS-93 § 2, 1989; Ord. 1211 § 2, 1978; Ord. 1120 § 5, 1970)

2.44.060 Probationary period.
A. All regular appointments, including promotional appointments, will be for a probationary period of not less than six months except as otherwise indicated. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing. For newly employed uniformed police and fire personnel, the minimum probationary period will be not less than one full year.
B. An employee rejected during the probationary period from a position to which the employee has been promoted will be reinstated to the position from which such employee has been promoted, unless the employee is dismissed from the classified service as provided in this chapter and the rules.
C. An employee in the classified service promoted or transferred to a position not included in the classified service will be reinstated to the position from which the employee was promoted or transferred if, within six months after such promotion or transfer, action is taken to reject or dismiss the employee, unless the employee is discharged in the manner provided in this chapter and the personnel rules for positions in the classified service. (Ord. NS-793 §§ 5, 6, 7, 14, 2006; Ord. 1120 § 6, 1970)
2.44.070 Status of present employees.
Any person holding a position included in the classified service who, on the effective date of the ordinance codified in this chapter will have served continuously in such position, or in some other position in the classified service, for a period equal to the probationary period prescribed in the rules for his or her class, will assume regular status in the classified service in the position held on such effective date without qualifying test, and will thereafter be subject in all respects to the provisions of the ordinance codified in this chapter and the personnel rules.

Any other persons holding positions in the classified service will be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period will be computed from the first day of the first full calendar month after date of appointment or employment. (Ord. NS-793 §§ 5, 6, 2006; Ord. 1120 § 7, 1970)

2.44.080 Applicability of rules to certain exempt positions.
The provisions of the personnel rules relating to the attendance and leaves will apply to the incumbents of full-time exempt positions. (Ord. NS-793 § 5, 2006; Ord. 1120 § 8, 1970)

2.44.090 Abolition of position.
Whenever in the judgment of the city manager it becomes necessary in the interest of economy or because the necessity for the position or employment involved no longer exists, then the city manager may abolish any position or employment in the classified service and layoff, demote, or transfer an employee holding such position or employment without filing written charges and without the right of appeal.

The names of probationary and permanent employees laid off will be placed upon reemployment lists for classes which, in the opinion of the personnel officer, require basically the same qualifications and duties and responsibilities of those of the class of position from which layoff was made.

Names of persons laid off will be placed upon reemployment lists in order of their continuous cumulative time and will remain on such lists for a period of one year unless reemployed sooner. (Ord. NS-793 §§ 5, 6, 7, 2006; Ord. 1120 § 10, 1970)

2.44.095 Right of appeal.
Any employee in the classified service will have the right to appeal to a hearing officer any disciplinary action or alleged violation of this chapter or the personnel rules, except in those instances where the right of appeal is specifically prohibited by this chapter or the personnel rules. (Ord. NS-883 § 4, 2008; Ord. NS-793 §§ 5, 15, 2006; Ord. 1179 § 1, 1975)

2.44.100 Political activity.
Any person holding an office or employed in the city will conform to the pertinent provisions of state law. (Ord. NS-793 §§ 5, 16, 2006; Ord. 1120 § 11, 1970)

2.44.110 Political activities not affected.
This chapter does not prevent any officer or employee from:
A. Becoming or continuing to be a member of a political club or organization;
B. Attending a political meeting;
C. Enjoying entire freedom from all interference in casting his or her vote;
D. Seeking signatures to any initiative or referendum petition directly affecting his or her rates of pay, hours of work, retirement, or other working conditions;
E. Distributing badges, pamphlets, dodgers, or handbills, or other participation in any campaign in connection with such petition, provided such activities are not carried on during hours of work or when
dressed in the uniform required in any department of the city government. The violation of this provision constitutes grounds for discharge. (Ord. NS-793 § 18, 2006; Ord. 1120 § 12, 1970)

2.44.120 Discrimination.
All employees and applicants for employment in the city will not be subject to discrimination or harassment on any basis protected by state or federal law. (Ord. NS-793 §§ 5, 6, 19, 2006; Ord. 1120 § 13, 1970)

2.44.130 Solicitation of contributions.
No officer, agent, or employee, under the government of the city, and no candidate for any city office will, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution, or political service, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the employment lists or holding any position under the provisions of this chapter.

No officer or employee in the city service will, directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution, whether voluntary or involuntary, for any purpose affecting his or her working conditions, from any person other than an officer or employee in the city service. (Ord. NS-793 §§ 5, 7, 2006; Ord. 1120 § 14, 1970)

2.44.140 Right to contract for special service.
The city manager will consider and make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

A. The preparation of personnel rules and subsequent revisions and amendments thereof;
B. The preparation of a position classification plan, and subsequent revisions and amendments thereof;
C. The preparation of a plan of compensation, and subsequent revisions and amendments thereof;
D. The preparation, conduct, and grading of competitive tests;
E. Special and technical services of advisory or informational character on matters relating to personnel administration. (Ord. NS-793 § 5, 2006; Ord. 1120 § 15, 1970)

2.44.150 Appropriation of funds.
The council will appropriate such funds as are necessary to carry out the provisions of this chapter. (Ord. NS-793 § 5, 2006; Ord. 1120 § 16, 1970)
Chapter 2.48

EMPLOYER-EMPLOYEE RELATIONS*

Sections:
2.48.010 Title.
2.48.020 Statement of purpose.
2.48.030 Rules and regulations.
2.48.040 Construction.
2.48.050 Severability.


2.48.010 Title.
The ordinance codified in this chapter will be known as the employer-employee relations ordinance of the city. (Ord. NS-793 § 17, 2006)

2.48.020 Statement of purpose.
The purpose of this chapter is to implement Chapter 10, Division 4, Title 1 of the Government Code of the state (Sections 3500, et seq.) captioned “Public Employee Organizations,” by providing orderly procedures for the administration of employer-employee relations between the city and its employee organizations and for resolving disputes regarding wages, hours, and other terms and conditions of employment. (Ord. NS-793 § 20, 2006)

2.48.030 Rules and regulations.
The city council may adopt such rules and regulations necessary or convenient to implement the provisions of this chapter and Chapter 10, Division 4, Title 1 of the Government Code of the state. (Ord. NS-793 § 21, 2006)

2.48.040 Construction.
A. Nothing in this chapter will be construed to deny any person or employee the rights granted by federal or state laws.
B. The rights, powers and authority of the city council in all matters, including the right to maintain any legal action, will not be modified or restricted by this chapter.
C. The provisions of this chapter are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the state (Sections 3500, et seq.). (Ord. NS-793 § 22, 2006)

2.48.050 Severability.
If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid will not be affected thereby. (Ord. NS-793 § 23, 2006)
Chapter 2.52

ACCESS TO CRIMINAL RECORDS

Sections:

2.52.010 Criminal conduct—Ineligibility for license and permits—Authorized access to records.

2.52.020 Criminal conduct—Ineligibility for employment—Authorized access to records.

2.52.010 Criminal conduct—Ineligibility for license and permits—Authorized access to records.
Whenever any section of this code requires disqualification from any permit or license issued pursuant to this code because of the conviction, including pleas of guilty or nolo contendere, of a felony or a misdemeanor, then, pursuant to Section 11105 of the Penal Code of the State of California, the following officers of the city are authorized to have access to, and to utilize, State Summary Criminal History Information when needed to assist them in fulfilling the licensing or permit issuing duties set forth in this code:

A. City council;
B. Chief of police;
C. City clerk;
D. City attorney;
E. Assistant city attorney;
F. City manager;
G. Any other person designated by the chapter of this code which establishes the disqualification. (Ord. 1214 § 1, 1979)

2.52.020 Criminal conduct—Ineligibility for employment—Authorized access to records.
Whenever any section of this code or any resolution of the city council requires disqualification from any position of employment by the city, then, pursuant to Section 11105 of the California Penal Code, the following officers of the city are authorized to have access to, and to utilize, State Summary Criminal History Information when needed to assist them in fulfilling employment duties set forth in this code or by such resolution:

A. City council;
B. City manager;
C. Personnel director;
D. City attorney;
E. Assistant city attorney;
F. Any other officer or employee of the city to whom the city manager has delegated any of the powers and duties conferred upon him or her as personnel officer. (Ord. 1214 § 1, 1979)
Title 3

REVENUE AND FINANCE

Chapters:

3.04 Taxes—Assessment and Collection
3.08 Uniform Sales and Use Taxes
3.12 Transient Occupancy Tax
3.16 Documentary Stamp Tax
3.20 Special Gas Tax Street Improvement Fund
3.24 Library Trust Fund
3.28 Purchasing
3.29 Disposal of Surplus City Property
3.30 Lost and Unclaimed Property
3.32 Claims and Demands
3.34 Securities and Retentions
3.36 Fees for Special Police Services
3.37 Carlsbad Tourism Business Improvement District
3.38 Carlsbad Golf Lodging Business Improvement District
Chapter 3.04

TAXES—ASSESSMENT AND COLLECTION

Sections:
3.04.010 Transfer of city tax function to county.
3.04.020 Payment of tax moneys to city.
3.04.030 Cost of collection.
3.04.040 Transfer of authority to city clerk.
3.04.050 Transfer of authority to chief of police.

3.04.010 Transfer of city tax function to county.
The duties of assessment and tax collection shall be transferred to and shall be performed by the county assessor and the county tax collector, respectively. (Ord. 1010 § 1)

3.04.020 Payment of tax moneys to city.
All taxes levied and collected by the county for the city shall be paid by warrant of the county auditor to the city treasurer subject to Section 3.04.030. (Ord. 1010 § 3)

3.04.030 Cost of collection.
The county auditor is authorized to deduct the cost of collection of city taxes. The amount of the cost of collection shall be determined by the board of supervisors; provided, however, that in no event shall the cost of collection exceed one percent for collecting the first $25,000.00 of taxes, and not more than one-quarter percent for all taxes collected over $25,000.00. (Ord. 1010 § 4)

3.04.040 Transfer of authority to city clerk.
All duties and powers authorized by general statutes of the state or by ordinances of the city that would have vested in the office of city assessor, other than the assessing of property within the city, shall be transferred to and shall be performed by the city clerk. (Ord. 1010 § 5)

3.04.050 Transfer of authority to chief of police.
All duties and powers authorized by general statutes of the state or by ordinances of the city that would have vested in the office of city tax collector, other than the collection of taxes, shall be transferred to and shall be performed by the chief of police. (Ord. 1010 § 6)
Chapter 3.08

UNIFORM SALES AND USE TAXES

Sections:
3.08.010 Short title.
3.08.020 Rate.
3.08.030 Operative date.
3.08.040 Purpose.
3.08.050 Contract with state.
3.08.060 Sales tax.
3.08.070 Place of sale.
3.08.080 Use tax.
3.08.090 Adoption of provisions of state law.
3.08.100 Limitations on adoption of state law.
3.08.110 Permit not required.
3.08.120 Exclusions and exemptions.
3.08.130 Exclusions and exemptions.
3.08.140 Application of provisions relating to exclusions and exemptions.
3.08.150 Amendments.
3.08.160 Enjoining collection forbidden.
3.08.170 Penalties.
3.08.180 Severability.

3.08.010 Short title.
This chapter shall be known as the "Uniform Local Sales and Use Tax Ordinance." (Ord. 1160 § 1, 1973)

3.08.020 Rate.
The rate of sales tax and use tax imposed by this chapter shall be one percent. (Ord. 1160 § 1, 1973)

3.08.030 Operative date.
This chapter shall be operative on January 1, 1974. (Ord. 1160 § 1, 1973)

3.08.040 Purpose.
The city council declares that the ordinance codified herein is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:
A. To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;
B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the state insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;
C. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adopts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California state sales and use taxes;
D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of
3.08.050 Contract with state.
Prior to the operative date, this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the sales and use tax ordinance codified herein; provided, that if this city has not contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of the ordinance codified herein. (Ord. 1160 § 1, 1973)

3.08.060 Sales tax.
For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the city at the rate stated in Section 3.08.020 of this code of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date. (Ord. 1160 § 1, 1973)

3.08.070 Place of sale.
For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his/her agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 1160 § 1, 1973)

3.08.080 Use tax.
An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the city at the rate stated in Section 3.08.020 of this code of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 1160 § 2, 1973)

3.08.090 Adoption of provisions of state law.
Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Ord. 1160 § 2, 1973)

3.08.100 Limitations on adoption of state law.
In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. The substitution, however, shall not be made when the word “State” is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution
would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word “State” in the phrase “retailer engaged in business in this State” in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 1160 § 2, 1973)

3.08.110 Permit not required.
If a seller’s permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller’s permit shall not be required by this chapter. (Ord. 1160 § 2, 1973)

3.08.120 Exclusions and exemptions.
A. The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer.
B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city, in this state shall be exempt from the tax due under this chapter.
C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.
D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 1267 § 1, 1983; Ord. 1160 § 2, 1973)

3.08.130 Exclusions and exemptions.
A. The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer.
B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city, in this state shall be exempt from the tax due under this chapter.
C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
D. The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from the use tax.
E. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

F. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 1267 § 1, 1983; Ord. 1160 § 2, 1973)

3.08.140 Application of provisions relating to exclusions and exemptions.
A. Section 3.08.120 shall be operative January 1, 1984.
B. Section 3.08.130 shall be operative on the operative date of any act of the Legislature of the State of California which amends Section 7202 of the Revenue and Taxation Code or which repeals and reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in subdivisions (i)(7) and (i)(8) of Section 7202 as those subdivisions read on October 1, 1983. (Ord. 1267 § 1, 1983; Ord. 1160 § 2, 1973)

3.08.150 Amendments.
All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 1160 § 2, 1973)

3.08.160 Enjoining collection forbidden.
No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 1160 § 2, 1973)

3.08.170 Penalties.
Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $500.00 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 1160 § 2, 1973)

3.08.180 Severability.
If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. (Ord. 1160 § 2, 1973)
Chapter 3.12

TRANSIENT OCCUPANCY TAX

Sections:
3.12.010 Short title.
3.12.040 Exemptions.
3.12.050 Operator’s duties.
3.12.060 Transient occupancy registration certificate.
3.12.070 Remitting and reporting.
3.12.072 Duty of successor of operator.
3.12.074 Liability of successor for failure to withhold—Notice of amount due.
3.12.080 Penalties for failure to remit tax when due.
3.12.090 Failure to collect—Penalties—Hearing.
3.12.100 Appeal.
3.12.110 Records to be kept for a period of three years.
3.12.120 Refunds.
3.12.130 Actions to collect.
3.12.140 Violations.
3.12.170 Closure of hotel without certificate.
3.12.180 Recording notice of lien.
3.12.190 Priority and lien of tax.
3.12.210 Seizure and sale.
3.12.220 Withhold notice.

3.12.010 Short title.
This chapter shall be known as the uniform transient occupancy tax regulations of the city. (Ord. 1087 § 1)

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter, as follows:

“Hotel” means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure or portion thereof. Hotel shall also include a private campground where only a site and accompanying facilities are rented;

“Occupancy” means the use or possession, or the right to use or possession of any room or rooms or campsite or sites or portion thereof in any hotel for dwelling, lodging or sleeping purposes;

“Operator” means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however be considered to be compliance by both;
“Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit;

“Rent” means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind of nature, without any deduction therefrom whatsoever;

“Tax administrator” means the city finance director;

“Transient” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. (Ord. 1287 §§ 1, 2, 1986; Ord. 1275 § 1, 1985; Ord. 1269 §§ 1—3, 1984; Ord. 1087 § 2)

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of nine percent of the rent charged by the operator. After January 1, 1990, the tax shall be 10% for such rent. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient’s ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator. (Ord. NS-52 § 1, 1989; Ord. NS-8 § 1, 1988; Ord. 1190 § 1, 1976; Ord. 1113 § 1, 1969; Ord. 1087 § 3)

3.12.040 Exemptions.
No tax shall be imposed upon:
A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax provided in this chapter;
B. Any federal or state officer or employee when on official business;
C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator. (Ord. 1087 § 4)

3.12.050 Operator's duties.
Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. If the operator collects the rent but fails to collect the tax imposed by this chapter for any reason, the city shall require the operator to pay such tax. The amount of tax shall be separately stated from the amount of the rent charged and each transient shall receive a receipt for payment from the operator. A duplicate of this receipt shall be kept by the operator in accordance with Section 3.12.110. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided. Each operator shall account monthly, for taxable rents and for taxes collected. Each operator shall notify the tax administrator...
within 10 days upon the cessation of business for any reason and shall make his or her books and records available for audit. (Ord. 1275 § 2, 1985; Ord. 1087 § 5)

3.12.060 Transient occupancy registration certificate. Within 30 days after August 20, 1964, or within 30 days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register such hotel with the tax administrator and obtain from him or her a “transient occupancy registration certificate” to be at all times posted in a conspicuous place on the premises. Such certificate shall, among other things, state the following:

A. The name of the operator;
B. The address of the hotel;
C. The date upon which the certificate was issued;
D. This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the uniform transient occupancy tax chapter by registering with the tax administrator for the purpose of collecting from transients the transient occupancy tax and remitting such tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or officer of this city. It is unlawful to operate a hotel in the city without a currently valid certificate. (Ord. 1285 § 1, 1985; Ord. 1087 § 6)

3.12.070 Remitting and reporting.
A. All operators shall remit monthly the full amount of taxes collected on the appropriate return form provided by the tax administrator and a return shall be filed quarterly.
B. Returns filed quarterly and taxes remitted monthly and actually received by the tax administrator on or before the last day of the following month shall be deemed timely filed and remitted; otherwise, the taxes are delinquent and subject to the penalties imposed by Section 3.12.080.
C. Each operator reporting on a calendar quarter basis shall, on or before the last day of the month following the close of each calendar quarter, make a return to the tax administrator on forms provided, of the total taxable rents charged and the amount of tax collected for the quarter, remittances made for each of the first two months of the calendar quarter, and the balance of the tax due. At the time the return is filed, the full amount of the balance of the tax due shall be remitted to the tax administrator.
D. The tax administrator may establish shorter reporting periods for any certificate holder if the tax administrator deems it necessary in order to insure collection of the tax and he or she may require further information in the return.
E. Any operator required to report on other than a calendar quarter basis shall, on or before the same day of the next month following the close of such reporting period, or on the last day of the next month if no corresponding day exists, make a return to the tax administrator on forms provided, or the total taxable rents charged and the amount of tax collected for the quarter, remittances made during the approved reporting period, and the balance of the tax due. At the time the return is filed, the full amount of the balance of the tax due shall be remitted to the tax administrator.
F. Each operator, upon cessation of business for any reason, shall, on or before the same day of the next month following the cessation of business or on the last day of the month if no corresponding day exists, make a return to the tax administrator on forms provided of the total taxable rents charged, the amount of tax collected for the reporting period, remittances made, if any, and the balance of the tax due. At the time the return is filed the full amount of the balance of the tax due, if any, shall be remitted to the tax administrator. Returns filed and taxes remitted and actually received by the tax administrator on or before the same day of the next month following the cessation of business, or on the last day of
3.12.072 Duty of successor of operator.

If an operator who is liable for any tax or penalties under this chapter sells or otherwise disposes of his or her business, the operator’s successor shall notify the tax administrator of the date of sale and withhold a sufficient portion of the purchase price to equal the amount of such tax or penalty until the selling operator produces a receipt from the tax administrator showing that the tax or penalty has been paid or a tax clearance certificate from the tax administrator stating that no tax or penalty is due. If the seller does not present a receipt or tax clearance certificate within 30 days after such successor commences to conduct business, the successor shall deposit the withheld amount with the tax administrator pending settlement of the account of the seller. (Ord. 1275 § 4, 1985)

3.12.074 Liability of successor for failure to withhold—Notice of amount due.

If the successor to the business fails to withhold a portion of the purchase price as required, he or she shall be liable for the payment of the amount required to be withheld. Within 30 days after receiving a written request from the successor for a tax clearance certificate, stating that no tax or penalty is due, the tax administrator shall either issue the certificate or mail notice to the successor at his or her address as it appears on the records of the tax administrator of the estimated amount of the tax and penalty that must be paid as a condition of issuing the certificate. (Ord. 1275 § 4, 1985)

3.12.080 Penalties for failure to remit tax when due.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 10% of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10% of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed.

C. Audit Deficiency. If, upon audit by the city, an operator is found to be deficient in his or her return or remittance, or both, the tax administrator shall immediately invoice the operator for the amount of the net deficiency plus a penalty of 10% of the net deficiency. If the operator fails or refuses to pay the deficient amount and applicable penalties within 14 days of the date of the invoice, an additional penalty shall be imposed at the rate of one percent per day of the net deficiency, not to exceed 10%.

D. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25% of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

E. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

F. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax required to be paid by this chapter.

G. Revocation. In addition to the other penalties provided by this section, if an operator is delinquent in any way more than one time in any 12-month period the tax administrator may revoke the operator’s transient occupancy registration certificate. (Ord. 1285 § 1, 1985; Ord. 1275 § 5, 1985; Ord. 1087 § 8)
3.12.090 Failure to collect—Penalties—Hearing.
If any operator shall fail or refuse to collect such tax and to make, within the time provided in this chapter, any report and remittance of such or any portion thereof required by this chapter, the tax administrator shall proceed in such a manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the tax administrator shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the tax administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. Such operator may within 10 days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in such notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in Section 3.12.100. (Ord. 1087 § 9)

3.12.100 Appeal.
Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice of appeal with the city clerk within 15 days of the serving or mailing of the determination of tax due. The council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the council shall be final for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Ord. 1087 § 10)

3.12.110 Records to be kept for a period of three years.
It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. (Ord. 1087 § 11)

3.12.120 Refunds.
A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in subsections B and C of this section provided a claim in writing thereof, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within three years of the date of payment. The claim shall be on forms furnished by the tax administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the tax administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the
amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the tax administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the tax administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto.

E. It shall be a condition that, prior to the filing of any lawsuit, of any kind whatsoever, including a claim for refund of taxes, injunction or writ of mandate or other equitable process, the payment of all taxes, interest and penalties as determined by the city council shall be required to be paid as a condition to seeking such judicial review of any tax liability. In addition, no such legal action shall be proper unless all of the administrative remedies provided by this chapter shall have first been exhausted. (Ord. CS-081 § 1, 2010; Ord. 1087 § 12)

3.12.130 Actions to collect.
Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city and payable through the operator. Any such tax, collected by an operator, which has not been paid to the city, shall be deemed funds held in trust for the account of the city which are due and payable by the operator to the city pursuant to the provisions of this chapter. Any person owing money to the city under the provisions of the chapter shall be liable to an action brought in the name of the city for the recovery of such amount plus attorney’s fees and costs. (Ord. 1275 § 6, 1985; Ord. 1087 § 13)

3.12.140 Violations.
Any operator who fails to remit any tax collected pursuant to this chapter shall be subject to prosecution under Section 424 of the Penal Code of the State of California. Any person violating any of the other provisions of this chapter shall be guilty of a misdemeanor and shall be punishable as provided in Section 1.08.010. (Ord. 1275 § 6, 1985; Ord. 1087 § 14)

Whenever any operator fails to comply with any provision of this chapter relating to occupancy tax or any rule or regulation of the tax administrator relating to occupancy tax prescribed and adopted under this chapter, the tax administrator upon hearing, after giving the operator 10 days’ notice in writing specifying the time and place of hearing and requiring him or her to show cause why his or her certificate should not be revoked, may suspend or revoke the certificate held by the operator. The tax administrator shall give the operator written notice of the suspension or revocation of his or her certificate. The notice required in this section may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The tax administrator shall not issue a new certificate after a revocation unless he or she is satisfied that the former holder of the certificate will comply with the provisions of this chapter relating to the occupancy tax and regulations of the tax administrator. (Ord. 1285 § 3, 1985)

3.12.170 Closure of hotel without certificate.
During any period of time during which a certificate has not been issued or is suspended, revoked or otherwise not validly in effect, the tax administrator may require that the hotel be closed. (Ord. 1285 § 3, 1985)

3.12.180 Recording notice of lien.
If any amount required to be remitted or paid to the city under this chapter is not remitted or paid when due, the tax administrator may, within three years after the amount is due, file for record in the office of the county
recorder a notice of lien specifying the amount of tax, penalties and interest due, the name and address as it appears on the records of the tax administrator of the operator liable for the same and the fact that the tax administrator has complied with all provisions of this chapter in the determination of the amount required to be remitted and paid. From the time of the filing for record, the amount required to be remitted together with penalties and interest constitutes a lien upon all real property in the county owned by the operator or afterwards and before the lien expires acquired by him or her. The lien has the force, effect and priority of a judgment lien and shall continue for 10 years from the time of filing of the notice of lien unless sooner released or otherwise discharged. (Ord. 1285 § 3, 1985)

3.12.190 Priority and lien of tax.
A. The amounts required to be paid by any operator under this chapter with penalties and interest shall be satisfied first in any of the following cases:
   1. Whenever the person is insolvent;
   2. Whenever the person makes a voluntary assignment of his or her assets;
   3. Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased;
   4. Whenever the estate and effects of an absconding, concealed or absent person required to pay any amount under this chapter are levied upon by process law. This chapter does not give the city a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.
B. The preference given to the city by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure. (Ord. 1285 § 3, 1985)

At any time within three years after any operator is delinquent in the remittance or payment of any amount herein required to be remitted or paid or within three years after the last recording of a notice of lien under Section 3.12.180, the tax administrator may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the city under this chapter. The warrant shall be directed to any sheriff, marshal, or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner with the same effect as a levy of and a sale pursuant to a writ of execution. The tax administrator may pay or advance to the sheriff, marshal or constable the same fees, commissions and expenses for his or her services as are provided by law for similar services pursuant to a writ of execution. The tax administrator, and not the court, shall approve the fees for publication in a newspaper. (Ord. 1285 § 3, 1985)

3.12.210 Seizure and sale.
At any time within three years after any operator is delinquent in the remittance or payment of any amount, the tax administrator may forthwith collect the amount in the following manner. The tax administrator shall seize any property, real or personal, of the operator and sell the property, or a sufficient part of it, at public auction to pay the amount due together with any penalties and interest imposed for the delinquency and any costs incurred on account of the seizure and sale. Any seizure made to collect occupancy taxes due shall be only of property of the operator not exempt from execution under the provision of the Code of Civil Procedure. (Ord. 1285 § 3, 1985)

3.12.220 Withhold notice.
If any person or operator is delinquent in the remittance or payment of the amount required to be remitted or paid by him or her or in the event a determination has been made against him or her for the remittance of tax and payment of the penalty, the city may, within three years after the tax obligation became due, give notice thereof personally or by registered mail to all persons, including the state or any political subdivision
thereof, having in their possession or under their control any credits or other personal property belonging to
the taxpayer. After receiving the withholding notice, the person so notified shall make no disposition of the
taxpayer’s credits, other personal property or debts until the city consents to a transfer or disposition or until
60 days elapse after the receipt of the notice, whichever expires earlier. All persons, upon receipt of said
notice, shall advise the city immediately of all such credits, other personal property or debts in their posses-
sion, under their control or owing by them. If such notice seeks to prevent the transfer or other disposition of
a deposit in a bank or other credits or personal property in the possession or under the control of the bank,
to be effective the notice shall be delivered or mailed to the branch or office of such bank at which such de-
posit is carried or at which such credits or personal property is held. If any person so notified makes transfer
or disposition of the property or debts required to be held hereunder during the effective period of the notice
to withhold, he or she shall be liable to the city to the extent of the value of the release up to the amount of
the indebtedness owed by the taxpayer to the city. (Ord. 1285 § 3, 1985)
Chapter 3.16

DOCUMENTARY STAMP TAX

Sections:

3.16.010 Short title—Adoption.
This chapter shall be known as the real property transfer tax ordinance of the City of Carlsbad. It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California. (Ord. 1105 § 1, 1967)

3.16.020 Imposition—Rates.
There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or her or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds $100.00, a tax at the rate of 27.5 cents for each $500.00 or fractional part thereof. (Ord. 1105 § 1, 1967)

3.16.030 Payment of tax by whom.
Any tax imposed pursuant to Section 3.16.020, shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose benefit the same is made, signed or issued. (Ord. 1105 § 3, 1967)

3.16.040 Not applicable to instruments in writing to secure debts.
Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Ord. 1105 § 4, 1967)

3.16.050 United States agencies exempt.
Any deed, instrument or writing to which the United States or any agency or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title. (Ord. 1118 § 1, 1970; Ord. 1105 § 5, 1967)

3.16.060 Conveyances to make effective plan of reorganization or adjustment.
Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:
A. Confirmed under the Federal Bankruptcy Act, as amended;
B. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;

C. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or

D. Whereby a mere change in identity, form or place of organization is effected.

Subsections A to D, inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change. (Ord. 1105 § 6, 1967)

3.16.070 Conveyances to make effective order of Securities and Exchange Commission.

Any tax imposed pursuant to this chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed;

C. Such conveyance is made in obedience to such order. (Ord. 1105 § 7, 1967)

3.16.080 Partnerships.

A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:

1. Such partnership or another partnership is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of termination. (Ord. 1105 § 8, 1967)

3.16.081 Conveyances in lieu of foreclosure.

Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure.

Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on the deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes. (Ord. 1296 § 3, 1987)

3.16.082 Conveyances between spouses.

A. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing which purports to transfer, divide, or allocate community, quasi-community, or quasi-marital property assets between spouses for the purpose of effecting a division of community, quasi-community, or quasi-marital property which is required by a judgment decreeing a dissolution of the marriage or legal separation, by a judgment of nullity, or by any other judgment or order rendered pursuant to Part 5 (commencing with Section 4000) of Division 4 of the Civil Code, or by a written agree-
3.16.090

ment between the spouses, executed in contemplation of any such judgment or order, whether or not the written agreement is incorporated as part of any of those judgments or orders.

B. In order to qualify for the exemption provided in subsection A of this section, the deed, instrument, or other writing shall include a written recital, signed by either spouse, stating that the deed, instrument, or other writing is entitled to the exemption. (Ord. 1296 § 3, 1987)

3.16.090 Administration.
The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Ord. 1105 § 9, 1967)

3.16.100 Claims for refund.
Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California. (Ord. 1105 § 10, 1967)
Chapter 3.20

SPECIAL GAS TAX STREET IMPROVEMENT FUND

Sections:
- 3.20.010 Created.
- 3.20.020 Moneys to be paid into fund.
- 3.20.030 Expenditure of moneys in fund.

3.20.010 Created.
There is created in the city treasury a special fund to be known as the “special gas tax street improvement fund,” pursuant to the provisions of Section 2113 of the Streets and Highways Code, with particular reference to the amendments made thereto by Chapter 5.42, Statutes of 1935. (Ord. 7010 § 1)

3.20.020 Moneys to be paid into fund.
All moneys received by the city from the state under the provisions of such sections of the Streets and Highways Code shall be paid into the fund created by the preceding section. (Ord. 7010 § 2)

3.20.030 Expenditure of moneys in fund.
All moneys in the special gas tax street improvement fund shall be expended exclusively for the purposes authorized by, and subject to the provisions of Sections 2107, 2107.1, 2107.2, 2107.4, 2111, 2112, 2113, 2113.5, 2114, 2114.5, 2115 and 2116 of the Streets and Highways Code. (Ord. 7010 § 3)
Chapter 3.24

LIBRARY TRUST FUND

Section:

3.24.020 Trust fund.

3.24.020 Trust fund.
The revenue derived from all money acquired by gift, devise, bequest and moneys transferred to such fund by the city council, but specifically excepting money derived from the city tax levy, other than funds transferred by the city council to the library trust fund for the purpose of the library, shall be apportioned to a fund to be designated the “library trust fund,” and shall be applied for the purpose authorized in Chapter 2.16. (Ord. CS-036 § 1, 2009; Ord. 1072 § 21)
Chapter 3.28

PURCHASING

Sections:

3.28.010 Title.
3.28.020 Purpose.
3.28.030 Definitions.
3.28.040 Procurement and disposition responsibilities.
3.28.050 Procurement of goods.
3.28.060 Procurement of professional services and services.
3.28.070 Competitive negotiations for goods, services, and professional services.
3.28.080 Construction projects.
3.28.085 Design-build contracts.
3.28.090 Execution of change orders and amendments.
3.28.100 Cooperative purchasing.
3.28.110 Exemptions.
3.28.120 Emergencies.
3.28.140 Severability.

3.28.010 Title.
This chapter shall be known and may be cited and referred to as the “Purchasing Ordinance of the City of Carlsbad.” (Ord. CS-002 § 2, 2008)

3.28.020 Purpose.
The purposes of this chapter are to define a uniform system for the purchase of supplies, services and equipment by the city, to provide for the fair and equitable treatment of all persons involved in the purchasing process, to obtain the highest possible value in exchange for public funds and to safeguard the quality and integrity of the purchasing system. (Ord. CS-002 § 2, 2008)

3.28.030 Definitions.
For the purposes of this chapter, the following definitions apply:

"Awarding authority" means the entity who has the power to legally assign work, accept bids and bind the city to a contract.

"Best value" means the best value to the city based on all factors that may include the following:

1. Cost;
2. The ability, capacity and skill of a contractor to perform a contract or provide the supplies, services or equipment required;
3. The ability of a contractor to provide the supplies, services or equipment promptly or within the time specified without delay or interferences;
4. The character, integrity, reputation, judgment, experience and efficiency of a contractor;
5. The quality of a contractor’s performance on previous purchases/services with the city; and
6. The ability of a contractor to provide future maintenance, repairs, parts and services for the use of the goods and services purchased.

“Bid, contract or proposal documents” means the documents, including their attachments and addenda, which set forth instructions to bidders or proposers and which are disseminated for the purpose of soliciting bids or proposals.
“Capital outlay item” means fixed asset equipment with a monetary value that meets or exceeds an amount established by the finance director.

“Construction projects” or “construction” means those public projects defined in California Public Contract Code Section 22002(c).

“Contract” is synonymous to “agreement” and, regardless of which term is used, it means an agreement between the city and one or more other parties for the purchase or disposition of goods, services, professional services, and/or construction projects.

“Contractor” includes vendor and means any business entity/party that has entered into a contract with the city for the provision or disposition of goods, services, professional services, and/or construction projects.

“End user” means the City of Carlsbad and includes, any city department/division requesting goods, services, professional services, and/or construction projects.

“Fixed asset equipment” means equipment of a permanent nature that has a useful life of more than one year and meets or exceeds a monetary value established by the finance director.

“Goods” means articles or items that are moveable at the time of sale, including but not limited to equipment, supplies and/or materials.

“Procurement” or “procure” means the acquisition of goods, services, professional services, or construction projects by the city, including but not limited to purchasing, renting or leasing, and all functions and procedures pertaining to such acquisitions.

“Professional services” means the procurement of services that involve the exercise of professional discretion and independent judgment based on advanced or specialized knowledge, expertise or training gained by formal study or experience. Such professional services include, but are not limited to, services provided by appraisers, architects, engineers, instructors, insurance advisors, physicians and/or other specialized consultants. Professional services includes, but is not limited to, those professionals as defined in California Government Code Section 4526. Professional services does not include attorney/legal services.

“Purchasing officer” means the person(s) responsible for the procurement of goods, services, professional services, and/or construction projects in accordance with the provisions of this chapter. The person(s) designated, in writing, by the city manager as the purchasing officer of the city, or an individual specifically authorized by the purchasing officer to act on his or her behalf.

“Responsible bidder” means a bidder determined by the awarding authority:

1. To have the ability, capacity, experience and skill to provide the goods, services, professional services, and/or construction projects in accordance with bid specifications, and if applicable;
2. To have the ability to provide the goods, services, professional services, and/or construction projects promptly, or within the time specified, and if applicable;
3. To have equipment, facilities and resources of such capacity and location to enable the bidder to provide the required goods, services, professional services, and/or construction projects, and if applicable;
4. To be able to provide future maintenance, repair, parts and service for the use of the goods and/or construction projects purchased, and if applicable;
5. To have a record of satisfactory performance under prior contracts with the city or other purchasers where such bidder has previously been awarded such contract.

“Responsive bidder” means a bidder determined by the awarding authority to have submitted a complete bid or proposal which conforms in all material respects to the requirements of the bid, contract, or other proposal documents.

“Services” means work performed, or labor, time and effort expended, by the contractor.
"Specifications" means the description of the physical and/or functional characteristics or of the nature of the required goods, services, professional services, and/or construction projects.

"Surplus personal property" means goods that are owned by the city and which are no longer needed or which are obsolete or unserviceable, or property that is a by-product (e.g., scrap metal, used tires and oil, etc.).


3.28.040 Procurement and disposition responsibilities.
A. End User. The end user shall:
   1. Identify its procurement needs and the availability of funding;
   2. Submit to the purchasing officer specifications for the required goods, services, professional services, and/or construction projects;
   3. Participate in the evaluation of bids and proposals; and
   4. Inspect goods delivered, services performed, professional services rendered, and/or construction projects to determine conformity with the requirements set forth in the bid or proposal documents and with contractual obligations, and authorize payments for conforming goods, services, professional services, and/or construction projects.

B. Purchasing Officer. The purchasing officer shall be responsible for the procurement of goods, services, professional services, and/or construction projects for the city in accordance with the provisions of this chapter. Except as provided for herein, no procurement shall be made contrary to the provisions of this chapter. Any agreement or contract for the purchase of goods, services, professional services, and/or construction projects made contrary to the provisions of this chapter shall be void and any claim or demand against the city based thereon shall be invalid. The purchasing officer shall:
   1. Prepare and recommend to the city manager operational procedures and forms for the procurement of goods, services, professional services, and/or construction projects and for the disposal of surplus personal property;
   2. Procure or supervise the procurement of all goods, services, professional services, and/or construction projects needed in coordination with end users;
   3. Process the contracts awarded administratively and/or by city council;
   4. Whenever possible, establish standardized specifications and consolidation of requirements for goods and/or services required by two or more end users;
   5. Sell or otherwise dispose of surplus personal property, and lost and unclaimed property held by the city’s police department.

C. City Manager. The city manager shall be the awarding authority for:
   1. All procurement of goods for which the cost to the city is $100,000.00 or less;
   2. All contracts for services and professional services of $100,000.00 or less per agreement year;
   3. All construction project contracts less than the formal bidding threshold established by the UPCCAA;
   4. Any change order, amendment or extension to an existing contract which when added to the contract amount, including prior change orders, is within the authority granted in subsections (C)(1) through (C)(3) above;
   5. Any construction project change order up to the dollar amount equal to the contingency amount set when the underlying contract was awarded;
6. Any construction project change order in which the total amount of the original contract and all amendments and change orders are less than the formal bidding threshold established by the UPCCAA;

7. Any change order or amendment to a non-construction project contract awarded by the city council in an amount up to 25% of the original contract amount, including the total of all amendments and change orders, up to a limit of $100,000.00 per agreement year;

8. Any extensions to a contract awarded by the city council as delegated in the contract or the approving resolution;

9. The city manager shall approve alternate procurement methods, if appropriate, for use on an experimental basis, and recommend to the city council additions, deletions or modifications to the city’s procurement methods;

10. The city manager shall have the authority to delegate the awarding of contracts, amendments and change orders for goods, services, professional services, and/or construction projects as set forth in this chapter by memorandum or by administrative order;

11. Each month the city manager shall send to the city council a report of all contracts that have been awarded over the formal bidding requirement.

D. City Council. The city council shall be the awarding authority for:

1. Any procurement of goods, services and/or professional services costing more than $100,000.00 per agreement year;

2. Any construction project contract at or above the formal bidding threshold established by the UPCCAA;

3. Any change order or amendment that exceeds the city manager’s authority.

E. City Attorney. The city attorney shall be the awarding authority for the procurement of legal services, regardless of the dollar amount, up to the amount of appropriations available. (Ord. CS-002 § 2, 2008)

3.28.050 Procurement of goods.

A. Small Procurements.

1. Procurements of goods where the total cost of goods are $30,000.00 or less in any one transaction, shall be made using simplified and cost effective operational procedures and forms approved by the city manager. The use of formal or informal bids is not required, but is considered the best management practice. The small procurement limit shall be reviewed and adjusted annually per the procedures set forth in subsection (C)(1) of this section. Procurement requirements shall not be divided so as to constitute several small procurements under this subsection.

B. Informal Bidding for Goods.

1. Informal bidding procedure shall be utilized:
   a. When the anticipated cost of the goods to be purchased is less than the dollar amount established for formal bidding for goods in subsection (C)(1) herein; or
   b. When no bids are received pursuant to the formal bid procedures established; or
   c. When all bids received substantially exceed the city’s estimated costs, as determined by the purchasing officer through the formal bidding procedure.
   d. The city council may designate types or classes of procurements costing more than the dollar amount established for formal bidding in subsection (C)(1) herein; which may be purchased through the use of informal bidding procedures whenever the city council finds that use of the informal bidding procedure is advantageous to the city consistent with applicable law.

2. The informal bidding procedure shall be as follows:
a. Bids shall be obtained by written or oral request.

b. When possible, a minimum of three bidders should be solicited.

c. Best value criteria, if used, must be determined before bids/quotes are published or distributed to potential bidders/suppliers.

d. Responses shall be in writing, and may be transmitted by facsimile, by mail, electronically over the Internet, or by any other means of delivery as described in the bid documents.

e. The award shall be based on best value to the city or the lowest bid submitted by a responsive bidder, as determined by the purchasing officer, and shall be awarded by the city manager.

C. Formal Bidding for Goods.

1. Formal bidding procedures shall be utilized when the anticipated cost of the goods is greater than $30,000.00. The bid limit shall be reviewed annually and adjusted in response to the San Diego—All Urban Consumers Consumer Price Index. The purchasing officer shall calculate the effect of the cumulative change in the index to $30,000.00 beginning in fiscal year 2009. Adjustment to the bid limit will be made in $5,000.00 increments whenever the calculated value exceeds a previously set bid limit by more than $2,500.00. The bid limit adjustment will be made effective at the beginning of a fiscal year by memorandum from the purchasing officer.

2. Procurement requirements shall not be divided so as to avoid the formal bidding requirements.

3. The formal bidding procedures shall be as follows:

a. The purchasing officer, or designee, shall issue a notice inviting bids using one or more methods designed to provide reasonable public notice in a manner which will permit current information to be disseminated widely. The notice shall include:

   i. Instruction to bidders;
   ii. Specifications describing the required goods;
   iii. Bid forms and schedules;
   iv. Any required bond forms;
   v. General contract provisions;
   vi. The time on or before which bids will be received;
   vii. Where and with whom bids shall be filed;
   viii. The date, time and place where and when bids will be publicly opened;
   ix. Statement of bidders exceptions.

b. The sealed formal bids shall be received by the purchasing officer, or designee, at a time, date and place designated in the bid documents. Formal bids, timely received, will be publicly opened by the purchasing officer, or designee, and the aggregate bid pricing shall be read aloud.

c. Any person or entity with whom the city has contracted to prepare or assist in the preparation of bid or proposal documents is ineligible to submit a bid or proposal for the provision of the goods so specified in the notice inviting bids or proposals.

d. Formal bids received after the deadline for receipt of bids shall not be accepted by the city and shall be returned to the bidder unopened, unless opening is necessary for identification purposes. The purchasing officer, or designee, shall submit written notification to the bidder whose bid was received after the deadline stating what the deadline was, when the bid was actually received and that the bid is being returned because it was received after the deadline.
4. If no bids are received or if no bids meet the requirements as specified in the solicitation documents, the purchasing officer may reissue the solicitation using the informal bidding procedures, negotiate a contract based upon the solicitation, without further complying with this section or the city may cease the procurement.

5. If two or more bids are received with the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the city council, or the city manager if the procurement is under $100,000.00, may exercise sound discretion and accept the bid it chooses.

6. In considering formal bids for goods, the awarding authority may waive minor defects or irregularities, provided that the irregularities do not affect the bid amount or give a particular bidder an advantage over others.

7. All bids shall be deemed rejected if no city council or city manager action is taken on the bids or proposals within 90 days after the bids have been received and opened, unless bidders agree to extend a bid’s effective date upon request by the city.

D. Additional Responsibilities and Authorities.

1. The city shall have the authority to require a performance bond in such amount as it finds reasonably necessary to protect the best interests of the city consistent with applicable law. If the city requires a performance bond, the amount of the bond shall be described in the notice inviting bids and bid proposal documents.

2. All contracts may be awarded based on the best value for the city. Best value criteria, if used, must be determined before bids/quotes are published or distributed to potential bidders/suppliers.

3. The city manager shall be the awarding authority for procurement of goods for which the cost to the city is $100,000.00 or less.

4. The city council shall be the awarding authority for procurement of goods for which the cost to the city is more than $100,000.00 and have not been previously approved as capital outlay items in the budget process.

E. The city’s goods procurement practice prohibits unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration. No city employee shall participate in the selection process if that employee has a relationship with a person or business entity seeking a contract with the city that would subject that employee to the prohibition of Government Code Section 87100. (Conflicts of Interest). (Ord. CS-002 § 2, 2008)

3.28.060 Procurement of professional services and services.

A. Professional Services Procurement.

1. Request for proposals should be used when professional services are needed. The selection of professional services for, private architectural, landscape architectural, engineering, environmental, land surveying or construction project management firms should be based on the professional qualifications necessary for the satisfactory performance of the professional services required, on demonstrated competence, and on a fair and reasonable price consistent with Government Code Section 4526.

2. Procurements of professional services where the total cost of services are $30,000.00 or less shall be made using simplified and cost effective operational procedures and forms approved by the city manager. If the cost of needed professional services is expected to exceed $30,000.00, at least three proposals should be solicited for the professional service needed whenever possible. The purchasing officer may waive the requirements for solicitation of multiple proposals if only one individual or firm can reasonably provide the professional services, and it is in the best interest of the city to waive the requirement.

B. Small Procurements of Services.
3.28.070

1. Procurements of services where the total cost of services are $30,000.00 or less in any one transaction, shall be made using simplified and cost effective operational procedures approved by the city manager and forms approved by the city manager. The use of formal or informal bids is not required, but is considered the best management practice. The small procurement limit shall be reviewed and adjusted annually per the procedures set forth in Section 3.28.050(C)(1). Procurement of services requirements shall not be divided so as to constitute several small procurements under this subsection.

C. Informal Bidding for Services.

1. Informal bidding procedure, as set forth in Section 3.28.050(B)(2) may be utilized:
   a. When no bids are received pursuant to the formal bid procedures established; or
   b. The city council may designate types or classes of procurements costing more than the dollar amount established for formal bidding in subsection (D)(1) herein; which may be purchased through the use of informal bidding procedures whenever the city council finds that use of the informal bidding procedure is advantageous to the city consistent with applicable law.

D. Formal Bidding for Services.

1. Formal bidding procedures shall be utilized when the anticipated cost of the services is greater than $30,000.00. The bid limit shall be reviewed annually and adjusted in response to the San Diego—All Urban Consumers Consumer Price Index. The purchasing officer shall calculate the effect of the cumulative change in the index to $30,000.00 beginning in fiscal year 2009. Adjustment to the bid limit will be made in $5,000 increments whenever the calculated value exceeds a previously set bid limit by more than $2,500.00. The bid limit adjustment will be made effective at the beginning of a fiscal year by memorandum from the purchasing officer.
2. Procurement requirements shall not be divided so as to avoid the formal bidding requirements.
3. The formal bidding procedures and requirements shall be as set forth in Section 3.28.050(C) and (D).
4. The city manager shall be the awarding authority for procurement of services and professional services for which the cost to the city is $100,000.00 or less per agreement year.
5. The city council shall be the awarding authority for procurement of services and professional services for which the cost to the city is more than $100,000.00 per agreement year.

E. The city's services and professional services procurement practice prohibits unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration. No city employee shall participate in the selection process if that employee has a relationship with a person or business entity seeking a contract with the city that would subject that employee to the prohibition of Government Code Section 87100. (Conflicts of Interest). (Ord. CS-002 § 2, 2008)

3.28.070 Competitive negotiations for goods, services, and professional services.

A. The purchasing officer may authorize the solicitation of services and/or professional services other than those listed in Section 3.28.060, and the purchase of highly specialized goods by competitive negotiations when:

1. The cost of the goods, services and/or professional services is greater than the dollar amount established for formal bidding in Section 3.28.050(C)(1) and Section 3.28.060(D)(1); and
2. The goods are such that suitable technical or performance specifications are not readily available; or
3. The city is not able to develop descriptive specifications; or
4. Requesting proposals for the particular service or goods to be procured would be more advantageous to the city.
B. Whenever possible, at least three proposals shall be received and the award will be based on the proposal that is determined to be most advantageous to the city, taking into consideration price and the evaluation criteria set forth in the request for proposal. Competitive negotiations are not intended to be used for the purpose of avoiding the bidding procedure set forth in this chapter.

C. The city manager or designee shall award contracts for goods and/or services less than $100,000.00 per agreement year.

D. The city council shall award contracts for goods and/or services over $100,000.00 per agreement year. (Ord. CS-002 § 2, 2008)

3.28.080 Construction projects.
Except where specifically exempted from such laws by ordinance of the city council, contracts for construction projects in the city shall be governed by applicable state laws including the California Public Contract Code, Division 2, Part 1, and Division 2, Part 3, the Local Agency Public Construction Act, which includes the adoption by the city of the alternative provisions of the Uniform Public Construction Cost Accounting Act for use in the city. Contracts for construction projects shall also be governed by the current edition of the standard specifications for public works construction and the latest supplement thereto, adopted by the Greenbook Committee of the Public Works Standards, Inc., except as otherwise provided by the city council or the city manager if the contract is within his or her authority.

A. Construction projects less than the amount specified in Section 22032(a) of the California Public Contract Code may be performed by city employees by force account, by negotiated contract or by purchase order.

B. Construction projects less than the amount specified in Section 22032(b) of the California Public Contract Code may be let to contract by informal procedures set forth in this section.

C. Construction projects of more than the amount specified in Section 22032(c) of the California Public Contract Code shall be let by formal bidding procedure.

D. It shall be unlawful to split or separate work or projects into smaller work orders on projects for the purpose of evading the provisions of this chapter.

E. The city council shall adopt plans and specifications for all construction projects to be formally bid when the value exceeds the limits established by the UPCCAA.

F. The informal bidding for construction projects procedures shall include the following procedures:

1. The purchasing officer or designee shall develop a list of qualified contractors eligible to submit bids on informal contracts awarded by the city. The list shall be organized in accordance with the license classifications of the contractor’s state license board.

2. The purchasing officer or designee shall mail notice inviting informal bids to all contractors on the list of qualified contractors and construction trade journals not less than 10 calendar days before bids are due.

3. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, the time, date and place for the submission of bids, and whether or not the project will require the payment of prevailing wages.

4. When the awarding authority deems feasible, bid documents may be transmitted and/or received over the internet.

5. The awarding authority may in its sole discretion reject any or all bids presented and waive any minor irregularity or informality in such bids. The contract shall be awarded to the lowest responsive, responsible bidder. If no bids are received through the informal procedure, the project may be performed by city employees, by force account or negotiated contract without further complying with this section.

6. The city manager or designee shall award all informal contracts.
G. The formal bidding procedures for construction projects shall include the following:
   1. The purchasing officer, or delegate, shall mail notice inviting formal bids for construction projects to construction trade journals at least 30 calendar days before the bid opening date. The notice inviting formal bids shall be published at least 14 calendar days before the bid opening date in a newspaper of general circulation in the city. In addition to the newspaper, the notice inviting formal bids may be advertised in any manner which will permit the information to be widely disseminated.
   2. When the awarding authority deems feasible, bid documents may be transmitted and/or received over the internet.
   3. The awarding authority may waive any minor irregularity or informality in such bids or may, in its sole discretion, reject all bids presented.
   4. The contract shall be awarded to the lowest responsive, responsible bidder.
   5. If no bids are received through the formal procedure, the project may be performed by city employees, by force account or negotiated contract without further complying with this section.
   6. The city council shall award all formal contracts. (Ord. CS-002 § 2, 2008)

3.28.085 Design-build contracts.
Section 100 of the Charter of the City of Carlsbad provides that the city council shall have full power and authority to adopt laws with respect to municipal affairs. Section 404 provides that the city council shall have the power to establish procedures and regulations for contracts for the construction of public improvements. As an alternative to the bidding process set forth in this chapter and the California Public Contract Code, and when recommended by the city manager in writing, there is hereby established a design build procurement and contracting approach.

A. Purpose and Intent. The purpose of this section is to provide definitions and guidelines for the award, use, and evaluation of design-build contracts.

B. Definitions. For the purposes of this section, the following definitions apply:

   “Design-build” means a public works contract procurement method in which both the design and construction of a project are procured from a single entity.

   “Design-build entity” means a natural person, partnership, joint venture, corporation, business association or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed.

   “Design-build entity member” includes any person who provides licensed contracting, architectural, or engineering services.

C. Design-Build Procurement. For purposes of this section only, prior to procuring a design-build public works contract, the city shall prepare a request for proposal setting forth the scope of the project that may include, but is not limited to, the size, type, and desired design character of the buildings and site, and performance specifications. The performance specifications shall describe the quality of materials, equipment, and workmanship, preliminary plans or building layouts and other information deemed necessary to adequately describe the city’s needs. The performance specifications shall be prepared by a design professional who is duly licensed and registered in California.

D. Competitive Prequalification and Selection Process. The city may establish a competitive prequalification and selection process for design-build entities that specifies the prequalification criteria, as well as recommends the manner in which the winning entity will be selected.

E. Prequalification Criteria. Prequalification may be limited to consideration of all or any of the following criteria supplied by a design-build entity:

   1. Possession of all required licenses, registration, and credentials in good standing that are required to design and construct the project.
2. Submission of documentation establishing that the design-build entity members have completed, or demonstrated the capability to complete, projects of similar size, scope, building type, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project.

3. If the design-build entity is a partnership, limited partnership, joint venture or other association, a listing of all of the partners, general partners, or association members known at the time of bid submission who will participate in the design-build contract.

4. Submission of a proposed project management plan establishing that the design-build entity has the experience, competence, and capacity needed to effectively complete the project.

5. Submission of evidence establishing that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement assuring the city that the design-build entity has the capacity to complete the project.

6. Information concerning the bankruptcy or receivership of any member of the design-build entity, including information concerning any work completed by a surety.

7. Information concerning any debarment, disqualification, or removal of the design-build entity from a federal, state, or local government public works project. Any instance in which the design-build entity or any member submitted a bid on a public works project and were found to be non-responsive, or were found by the awarding body not to be a responsible member.

8. Provision of a declaration providing detail for the past five years concerning all of the following:
   a. Civil or criminal violations of the Occupational Safety and Health Act against any member of the design-build entity.
   b. Civil or criminal violations of the contractors’ state license law against any member of the design-build entity.
   c. Any conviction of any member of the design-build entity of submitting a false or fraudulent claim to a public agency.
   d. Civil or criminal violations of federal or state law governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements against any member of the design-build entity. For purposes of this subsection only, violations by a design-build entity member, as an employer shall be deemed applicable, unless it is shown that the design-build entity member, in his or her capacity as an employer, had knowledge of a subcontractor’s violations or failed to comply with the conditions set forth in Section 1775(b) of the State Labor Code.
   e. Civil or criminal violations of federal or state law against any design-build entity member governing equal opportunity employment, contracting or subcontracting.
   f. Information concerning all settled adverse claims, disputes, or lawsuits between the owner of a public works project and any member of the design-build entity in which the claim, settlement, or judgment exceeds $50,000.00.

9. The information required pursuant to this subdivision shall be verified under oath by the entity and its members in the manner in which civil pleadings in civil actions are verified. Information that is not a public record pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) shall not be open to public inspection.

F. Selection Method. The awarding authority shall select one of the following methods as the process to be used for the selection of the winning entity:
1. A design-build competition based on performance, specifications, and criteria set forth by the awarding authority in the request for proposals.
   a. Criteria used in this form of evaluation of proposals may include, but not be limited to, items such as proposed design approach, initial and/or life-cycle costs, project features, financing, quality, capacity, schedule, and operational and functional performance of the facility. However, any criteria and methods used to evaluate proposals shall be limited to those contained in the request for design-build proposals.
   b. Any architectural firms, engineering firms, specialty consultants, or individuals retained by the city to assist in the development of criteria or preparation of the request for proposals shall not be eligible to participate in the competition with any design-build entity.
   c. Award shall be made to the design-build entity whose proposal is judged as providing best value meeting the interests of the city and meeting the objectives of the project.

2. A design-build competition based on program requirements, performance specifications, and a preliminary design or combination thereof set forth by the awarding authority in the request for proposals. Limited drawings and specifications detailing the requirements of the project may accompany the request for proposals.
   a. The awarding authority shall establish technical criteria and methodology, including price, to evaluate proposals and shall describe the criteria and methodology of evaluation and selection in the request for design-build proposals.
   b. Any architectural firms, engineering firms, specialty consultants, or individuals retained by the city to assist in the preparation of the preliminary design or request for proposals shall not be eligible to participate in the competition with any design-build entity.
   c. Award shall be made to the design-build entity on the basis of the technical criteria and methodology, including price, whose proposal is judged as providing best value in meeting the interests of the city and meeting the objectives of the project.

3. A design-build competition based on program requirements and a detailed scope of work, including any preliminary design drawings and specifications set forth by the awarding authority in the request for proposals.
   a. Any architectural firms, engineering firms, specialty consultants, or individuals retained by the city to assist in the preparation of the preliminary design or request for proposals shall not be eligible to participate in the competition with any design-build entity.
   b. Award shall be made on the basis of the lowest responsible and reliable bid.

G. Work Listing. The city recognizes that the design-build entity is charged with performing both design and construction. Because a design-build contract may be awarded prior to the completion of the design, it is often impracticable for the design-build entity to list all subcontractors at the time of the award.

1. It is the intent of the city to establish a clear process for the selection and award of subcontracts entered into pursuant to this division in a manner that retains protection for subcontractors while enabling design-build project to be administered in an efficient fashion.

2. All of the following requirements shall apply to subcontractors, licensed by the state, that are employed on design-build projects undertaken pursuant to this section.
   a. The design-build entity in each design-build proposal shall specify the construction trades or types of subcontractors that may be named as members of the design-build entity at the time of award. In selecting the trades that may be identified as members of the design-build entity, the design-build entity shall identify the trades deemed essential in the design considerations of the project. All subcontractors that are listed at the time of award shall be afforded the protection of all applicable laws.
b. All subcontracts that were not listed by the design-build entity at the time of award in accordance with subsection (G)(2)(a) shall be performed and awarded by the design-build entity, in accordance with a bidding process set forth in the request for proposals. (Ord. CS-046 § 1, 2009)

3.28.090  Execution of change orders and amendments.
A. No amendment to an agreement or contract shall be made without the issuance of a written change order or amendment, and no payment for any such change or amendment shall be made unless a written change order or amendment has first been approved and executed in accordance with this section designating in advance the work to be done and the amount of additional compensation to be paid.

B. The city council may by resolution authorize the city manager to approve change orders on a project to an amount it determines appropriate for a large, complex project. (Ord. CS-002 § 2, 2008)

3.28.100  Cooperative purchasing.
The purchasing officer shall have the authority to join with other public or quasi-public agencies in cooperative purchasing plans or programs for the purchase of goods and/or services by contract, arrangement or agreement as allowed by law and as determined by the purchasing officer to be in the city’s best interest. The purchasing officer may buy directly from a vendor at a price established by another public agency when the other agency has made their purchase in a competitive manner. (Ord. CS-002 § 2, 2008)

3.28.110  Exemptions.
The following procurements, contracts or transactions are exempted, as determined by the awarding authority, from the provisions of this chapter:
A. Emergency procurements for construction, goods or services;
B. Goods, services and/or professional services that can be reasonably obtained from only a single source;
C. Items required matching or being compatible with other goods, furnishings, materials or equipment previously purchased by the city;
D. Goods, furnishings, types of materials or equipment that have been standardized for the city by the city manager or by the city council;
E. Utility services and related charges;
F. Goods, services and/or professional services obtained from or through agreement with any governmental, public or quasi-public agency;
G. Real property leases or purchases and related title and escrow fees;
H. Insurance and bonds;
I. Advertising in magazines, newspapers or other media;
J. Works of art, entertainment or performers;
K. Library collection materials or services or other books or periodicals;
L. Membership dues, conventions, training, travel arrangements including hotels, car rentals and airfare;
M. Surplus personal property owned by another government, public or quasi-public entity;
N. Situations where solicitations of bids or proposals for goods, services and/or professional services would be, in the discretion of the awarding authority, impractical, unavailing, impossible, or not in the best interests of the city. (Ord. CS-002 § 2, 2008)
3.28.120 Emergencies.
In cases of emergency, as determined by the city council, including, but not limited to, states of emergency defined in Government Code Section 8558, as may be amended from time to time, when repair or replacements are necessary to permit the continued conduct of the operation or services of a public agency or to avoid danger to life or property, the city manager may then proceed at once to replace or repair any public facility or infrastructure and/or procure the necessary goods and/or services adopting the plans, specifications, or working details giving notice of bids to let contracts. Emergency work may be completed by day labor under the direction of the city manager, or by contractor, or a combination of the two. The city manager is delegated the power to declare a public emergency subject to confirmation by the city council, by a four-fifths vote at its next regular meeting following the city manager declaring a public emergency. (Ord. CS-002 § 2, 2008)

3.28.140 Severability.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause or phrase contained in it irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. (Ord. CS-002 § 2, 2008)
Chapter 3.29

DISPOSAL OF SURPLUS CITY PROPERTY*

Sections:
3.29.010   Duty to report surplus supplies and equipment.
3.29.020   Disposal required.
3.29.030   Authority.
3.29.040   Property with no salvage value or unable to be sold.
3.29.050   Records.
3.29.060   Donations.
3.29.070   Proceeds of sale.
3.29.080   City personnel prohibited.


3.29.010   Duty to report surplus supplies and equipment.
All departments shall supply to the purchasing officer, at such times and in such forms as prescribed, reports
showing all supplies and equipment which are no longer used or which have become obsolete or worn out
or otherwise surplus to the needs of the city. The purchasing officer shall have authority to exchange for or
trade in such property on new supplies and equipment in accordance with this chapter. (Ord. NS-613 § 2,
2001)

3.29.020   Disposal required.
The purchasing officer shall determine if any surplus supplies or equipment can be used by any other
agency in the city. If such supplies or equipment cannot be used or are unsuitable for city use, the purchas-
ing officer shall, in the manner provided in this chapter, dispose of such supplies and equipment that cannot
be exchanged for or traded in on new supplies or equipment. (Ord. NS-613 § 2, 2001)

3.29.030   Authority.
The purchasing officer is authorized to sell or dispose of surplus personal property having a salvage value in
the open market by public auction, through electronic auctions or sales including Internet-based market
places, by consignment, by competitive sealed bids, by negotiated sale to other public or quasi-public agen-
cies or by exchange or trade in for new goods.

If the surplus property which is not required for city use has an estimated value of more than the amount
established as the city manager’s authority for awarding procurement contracts for goods and services, the
city manager shall dispose of the property as provided by resolution of the city council. (Ord. NS-613 § 2,
2001)

3.29.040   Property with no salvage value or unable to be sold.
Surplus property that is determined to be “unable to be sold” or items having no estimated or appraisal
value, may be disposed of by the purchasing officer in any manner deemed appropriate, keeping full records
of such disposition. (Ord. NS-613 § 2, 2001)

3.29.050   Records.
The purchasing officer shall provide regular reports to the city manager which indicate surplus property dis-
posed of, the method of disposal, and the amounts recovered from such disposal efforts. The city manager
shall send to the city council regular reports of all surplus property that has been disposed of, including the
amounts received for the sale of surplus property. (Ord. NS-613 § 2, 2001)
3.29.060 Donations.
In addition to the methods of disposal listed in Section 3.29.030, the city manager may authorize the disposal of surplus property through donation of such property to a governmental, public or quasi-public agency, charitable or non-profit organization. Upon approval in advance, in writing by the city manager, surplus personal property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations. (Ord. NS-613 § 2, 2001)

3.29.070 Proceeds of sale.
Proceeds from the sale of surplus personal property shall be deposited into the appropriate fund, as determined by the finance director. (Ord. NS-613 § 2, 2001)

3.29.080 City personnel prohibited.
No city officer or employee shall purchase surplus city property sold in accordance with this chapter. (Ord. NS-613 § 2, 2001)
Chapter 3.30

LOST AND UNCLAIMED PROPERTY

Sections:

3.30.010 Lost property.
3.30.020 Retention authorized—Tagging required.
3.30.030 Restoration to owner—Costs.
3.30.040 Transfer to finder.
3.30.050 Disposition to city.
3.30.060 Disposition to public authorized.
3.30.070 Auction procedure.
3.30.080 Auction proceeds.
3.30.090 Authorization to destroy.
3.30.100 City personnel prohibited.

3.30.010 Lost property.
All lost property in the possession of any city personnel shall be placed in the custody of the police department to be held and disposed of in accordance with this chapter. (Ord. 1198 § 1, 1976)

3.30.020 Retention authorized—Tagging required.
A. All lost and unclaimed property, including bicycles, in the possession of the police department shall be held by the department for a period of at least three months. Lost and unclaimed animals shall be turned over to the San Diego County animal regulation department. Lost and unclaimed perishable property shall be held by the department for at least 24 hours.
B. All lost and unclaimed property in the possession of the department shall be tagged showing the date and circumstances of its acquisition by the department. (Ord. NS-154 § 2, 1991; Ord. 1268 § 1, 1984; Ord. 1198 § 1, 1976)

3.30.030 Restoration to owner—Costs.
A. If, during the time that lost and unclaimed property is in the possession of the police department, the owner of the property appears and proves his or her ownership, the department shall restore the property to him or her.
B. The department may require that the reclaiming owner pay to the department the reasonable costs of storage and care of the property and the costs of publication incurred by reason of compliance with the terms of this chapter. (Ord. 1198 § 1, 1976)

3.30.040 Transfer to finder.
Personal property, except bicycles, which has been held by the department for 90 days, and which has not been returned to the rightful owner, shall be subject to and may be transferred to the finder thereof in accordance with Section 2080.3 of the California Civil Code. (Ord. 1198 § 1, 1976)

3.30.050 Disposition to city.
If, after the expiration of the applicable retention period, the city manager determines any unclaimed property in the possession of the police department is needed for public use, such property shall be retained by the city. (Ord. 1198 § 1, 1976)
**3.30.060 Disposition to public authorized.**

After the expiration of the applicable return period all lost and unclaimed property remaining in the custody of the police department shall be sold at public auction to the highest bidder in accordance with this chapter. (Ord. 1198 § 1, 1976)

**3.30.070 Auction procedure.**

The purchasing officer, on behalf of the police chief, shall authorize a public auction at least once each year, or more frequently if, in the judgment of the police chief, it is necessary for the more immediate disposition of lost or unclaimed property. The date of a public auction shall be not less than five days following the publication in a newspaper of general circulation in the city, printed and published in the county, of a notice of the sale at public auction of lost and unclaimed property. The public auction may, but is not required to be conducted over the Internet. Property purchased at public auction shall not be reclaimable by the original owner. (Ord. NS-590 § 2, 2001; Ord. 1198 § 1, 1976)

**3.30.080 Auction proceeds.**

All proceeds from the sale at public auction of lost or unclaimed property, including bicycles, shall be deposited in the general fund of the city. (Ord. 1198 § 1, 1976)

**3.30.090 Authorization to destroy.**

After the expiration of the applicable retention period all lost and unclaimed property which is deemed to be of limited or no value, or which is a thing which is commonly not the subject of sale, may be destroyed or otherwise disposed of by the city. All unclaimed property remaining unsold after being offered for sale at public auction may be destroyed or otherwise disposed of by the city. (Ord. 1198 § 1, 1976)

**3.30.100 City personnel prohibited.**

No city officer or employee may claim property as a finder or purchase lost or unclaimed property sold in accordance with this chapter. (Ord. 1198 § 1, 1976)
Chapter 3.32

CLAIMS AND DEMANDS

Sections:

3.32.010 Payment of demands.
3.32.020 Ratification of payment of demands.
3.32.025 Submitting false claims—Monetary penalties.
3.32.026 Disqualification of irresponsible contractors—Effect of disqualification.
3.32.027 Conduct required of responsible contractors.
3.32.028 Procedures for disqualification of irresponsible contractors.
3.32.029 Notice.
3.32.030 Refunds.
3.32.040 Claims for damage.

3.32.010 Payment of demands.

Demands, before payment, shall be processed in accordance with the following procedure:

A. Demands other than payroll demands shall, before payment, be duly certified:
   1. By the department head for whom the work was performed;
   2. By the finance director that such demands conform to the budgetary allowances set forth by the city council.

B. Payroll demands shall, before payment, be duly certified as follows: The department heads shall certify or approve departmental attendance or payroll records for employees in their departments. The finance director shall certify attendance or payroll records for other officers and employees.

C. After demands have been certified in accordance with the foregoing, the finance director shall prepare warrants upon funds of the city as authorized by the city council in appropriate budgetary and salary resolutions. For other than payroll warrants, the finance director shall indicate on each warrant the fund from which such warrant demands are to be paid and the purpose for which such warrant is issued. The finance director shall then transmit the prepared warrants to the city treasurer and the mayor for signature. The signature of the mayor and the treasurer may be affixed by a stamped facsimile of their signature by an authorized representative. (Ord. 1294 § 1, 1987; Ord. 1215 § 2, 1979)

3.32.020 Ratification of payment of demands.

Warrants and payroll checks on checks drawn in payment of demands or payroll obligations certified or approved by the finance director as conforming to the city’s budget as adopted or amended by council shall be presented to the city council in the form of an audited comprehensive annual financial report. (Ord. 1294 § 2, 1986; Ord. 1215 § 2, 1979)

3.32.025 Submitting false claims—Monetary penalties.

A. Any contractor, subcontractor or consultant who commits any of the following acts may be liable to the city for three times the amount of damages which the city sustains because of the act of that contractor, subcontractor or consultant. A contractor, subcontractor or consultant who commits any of the following acts shall also be liable to the city for the costs, including attorney’s fees, of a civil action brought to recover any of those penalties or damages, and may be liable to the city for a civil penalty of up to $10,000.00 for each false claim:
   1. Knowingly presents or causes to be presented to an officer or employee of the city a false claim or request for payment or approval;
2. Knowingly makes, uses or causes to be made or used a false record or statement to get a false claim paid or approved by the city;
3. Conspires to defraud the city by getting a false claim allowed or paid by the city;
4. Knowingly makes, uses or causes to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the city;
5. Is a beneficiary of an inadvertent submission of a false claim to the city, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the city within a reasonable time after discovery of the false claim.

B. This section does not apply to any controversy involving an amount of less than $500.00 in value. For purposes of this subsection, “controversy” means any one or more false claims submitted by the same contractor, subcontractor or consultant in violation of this section.

C. Every contract performed at the expense of the city, or the costs of which are paid for out of monies deposited in the treasury of said city, whether directly awarded or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, shall contain a clause reciting the provisions of subsection A of this section.

D. Liability under this section shall be joint and severable for any act committed by two or more persons.

E. For purposes of this section, the terms “contractor” and “subcontractor” shall have the same definitions as found in Section 4113 of the Public Contract Code. The term “consultant” shall be broadly defined to include any person or entity that provides services to the city.

F. For purposes of this section, “claim” includes any request or demand for money, property or services made to any employee, officer or agent of the city, or to any contractor, subcontractor, grantee or other recipient, whether under contract or not, if any portion of the money, property or services requested or demanded issued from, or was provided by, the city.

G. For purposes of this section, “knowingly” means that a contractor, subcontractor or consultant, with respect to information, does any of the following:
   1. Has actual knowledge of the information;
   2. Acts in deliberate ignorance of the truth or falsity of the information;
   3. Acts in reckless disregard of the truth or falsity of the information. Proof of specific intent is not required and reliance on the claim by the city is also not required. (Ord. NS-681 § 1, 2003; Ord. NS-313 § 1, 1995)

3.32.026 Disqualification of irresponsible contractors—Effect of disqualification.

A. Any contractor, subcontractor or consultant who fails to comply with the terms of its contract with the city or the provisions of this chapter may be declared an irresponsible bidder, after a hearing in accordance with Section 3.32.028. Upon a determination of irresponsibility, the contractor, subcontractor or consultant (or any other entity with substantially the same officers, directors, owners or principals) shall not be permitted to submit bids, contract, subcontract, or conduct business on any public work or improvement for the city for the period of the debarment. The contract of any such person or entity may, at the option of the city manager, be canceled and in the event of such cancellation, no recovery shall be had thereon by the contractor, subcontractor or consultant.

B. Any one of the following acts or omissions may constitute grounds for temporary debarment of three to five years:
   1. The contractor, subcontractor or consultant unsatisfactorily performed a contract;
   2. The contractor, subcontractor or consultant unjustifiably failed to honor or observe contractual obligations or legal requirements pertaining to the contract;
3. The contractor, subcontractor or consultant used substandard materials or has failed to furnish or install materials in accordance with the contract requirements, even if the discovery of the defect is subsequent to acceptance of the project and expiration of the warranty thereof, if such defect amounts to intentionally deficient or grossly negligent performance of the contract under which the defect occurred;

4. The contractor, subcontractor or consultant willfully failed to cooperate in the investigation or hearing of the proposed debarment;

5. The contractor, subcontractor or consultant performs, or fails to perform, the contract in such a way that significant environmental damage results, or a violation of environmental laws or permits is committed; or

6. The contractor substitutes a subcontractor in violation of Section 4100 et seq. of the Public Contract Code (Subletting and Subcontracting Fair Practices Act).

C. Any of the following may constitute grounds for permanent debarment of the contractor, subcontractor or consultant:

1. Any violation of Section 3.32.025(A);

2. A final conviction under any state or federal statute or municipal ordinance, including a plea of nolo contendere, or final unappealable civil judgment of any one or more of the grounds listed below:
   a. Embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any offense demonstrating a lack of business integrity, business honesty or responsibility on the part of the contractor, subcontractor or consultant’s responsibility;
   b. A criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such a contract;
   c. Violations of the California Government Code, Section 84300 or 84301 (sections of the California Political Reform Act requiring disclosure of the true campaign donor) or Section 1.13.025 of the Carlsbad Municipal Code, relating to any city election, or any amendments to the code;
   d. Fraud or criminal offense in connection with obtaining a public contract;
   e. Conviction under federal or state antitrust statutes involving public contracts;

3. Any two or more of the acts or omissions specified in Section 3.32.026(B).

D. In addition to all other remedies permitted by law, the city council may, upon the recommendation of the city manager and upon advice of the city attorney, by resolution, declare a bidder or contractor ineligible to bid on city procurement and public works contracts based upon any debarment of the contractor, subcontractor or consultant by another governmental agency, for the debarment period designated by the other agency. (Ord. NS-681 § 2, 2003; Ord. NS-342 §§ 1, 2, 1996; Ord. NS-313 § 2, 1995)

3.32.027 Conduct required of responsible contractors.
The covenant of good faith and fair dealing is contained in every city contract, and contractors, subcontractors and consultants shall at all times deal in good faith with the city and shall submit claims, requests for equitable adjustments, requests for change orders, requests for contract modifications or requests of any kind seeking increased compensation on a city contract only upon a good faith, honest evaluation of the underlying circumstances and a good faith, honest calculation of the amount sought. Violation of this section subjects the contractor, subcontractor or consultant to the penalties set forth in this chapter, including disqualification. The act of knowingly submitting a false, untrue or misleading claim, request for equitable adjustment, request for contract modification, request for change order or request of any kind seeking in-
creased compensation is sufficient of itself to subject the contractor, subcontractor or consultant to the penalties stated in this chapter, regardless of the city’s reliance on, or response to, the submission. (Ord. NS-313 § 3, 1995)

3.32.028 Procedures for disqualification of irresponsible contractors.
A. When an action is brought pursuant to Section 3.32.025, 3.32.026 or 3.32.027 of this chapter, the contractor, subcontractor or consultant shall be given notice of the charges and of all evidence supporting such charges. The contractor, subcontractor or consultant or its attorney shall be entitled to offer rebuttal evidence and any other evidence in support of its position.
B. The city shall schedule a hearing, as soon as practicable upon delivery of the notice to the contractor, where all evidence supporting grounds for debarment shall be presented. The hearing shall be conducted before an unbiased arbitrator with expertise in the area related to the contract. Any such hearing shall be conducted pursuant to the applicable sections of the American Arbitration Association’s Construction Industry Arbitration Rules, or other applicable arbitration rules. The arbitrator shall follow and comply with all applicable California case, statutory, and regulatory law in arriving at a decision. The city attorney may, in his or her discretion, appoint outside counsel to prosecute the charges.
C. The parties shall attempt to agree upon an unbiased third-party arbitrator. If unable to agree, each party shall select an arbitrator. The two selected arbitrators shall agree on a third arbitrator, who will conduct the hearing. The parties shall share the costs of conducting the hearing before an arbitrator.
D. A decision of the arbitrator, making a finding of irresponsibility, is final and effective 10 calendar days after a written determination and delivery of the decision to the parties, unless within the 10-day period following delivery, the contractor, subcontractor or consultant, or the city manager, submits a written appeal to the city council, filed with the city clerk for the city council. The written appeal shall specifically state the reason(s) for the appeal and the manner in which the decision of the arbitrator is in error. Fees for filing an appeal under this section shall be established by resolution of the city council.
E. The decision of the arbitrator shall be affirmed by the city council unless the appellant shows by a preponderance of the evidence that the decision of the arbitrator is in error or inconsistent with state law. The appeal hearing shall be held as soon as practicable after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the city council shall render its decision on the appeal. The decision of the city council is final.
F. All proceedings shall be as informal as is compatible with the requirements of justice. The arbitrator and/or city council need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiries in the matter through all means and in a manner best calculated to make a just factual determination. (Ord. NS-681 § 3, 2003; Ord. NS-313 § 4, 1995)

3.32.029 Notice.
Whenever a notice is required to be delivered under this chapter, the notice shall be delivered by any one of the following methods. Service is effective as described herein unless different provisions are specifically stated to apply:
A. Personal Delivery. Service shall be deemed effective on the date of delivery. Proof of delivery of notice may be made by the certification of any designated person over the age of 18 years by declaration under penalty of perjury. The proof shall show that the delivery was done in conformity with this section or other provisions of law applicable to the subject matter concerned.
B. Certified Mail, Postage Prepaid, Return Receipt Requested. Service shall be deemed effective on the date of mailing. If a notice is sent simultaneously by regular mail and the notice of certified mail is returned unsigned, then service by regular mail will be deemed effective on the date mailing provided the regular mail notice is not returned.
C. Publication. Service shall be deemed effective on the first date of publication. (Ord. NS-681 § 4, 2003)
3.32.030  Refunds.
A. When not otherwise prohibited by law, the city manager may authorize a refund in an amount up to $25,000.00 for monies that were erroneously paid to or collected by, but not actually due to the city at the time the funds were received, such as overpayments or duplicate payments.
B. A written request for refund, signed by the person paying the fee or by the department head of the requesting department shall be filed with the finance director setting forth the facts and reasons which justify the request.
C. The finance director shall investigate the request and forward the request and his or her recommendation to the city manager or designee.
D. The city manager or designee shall make written findings that support the authorization for refund and shall send to the city council regular reports of refunds exceeding $10,000.00.
E. The city manager may also authorize a refund when the request for refund is based on the withdrawal of an application for a development project requiring a fee for city services, including, but not limited to, checking of improvement plans, review of tentative tract maps, site development plans, conditional use permits, or other similar zoning permits and building permits. The city shall retain a portion of the application fee as compensation for staff time invested in the acceptance and processing functions through the time the refund was requested. The appropriate department head shall provide the finance director with an estimate of the number of hours spent in processing any such application or permit as the basis for the city's retention. The city manager may then authorize the refund of any remaining balance.
F. Upon receipt of proper authorization, the finance director shall make the refund. (Ord. 142 § 1, 2011; Ord. 1284 § 1, 1985; Ord. 1215 § 2, 1979)

3.32.040  Claims for damage.
A. No claim for damages against the city shall ever be allowed or paid unless there has been first filed with the city clerk a claim therefor within the time periods required by subsection B of this section. All such claims for damages shall be first verified by the claimant before an officer authorized to administer oaths.
B. A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be filed not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be filed not later than one year after the accrual of the cause of action. (Ord. NS-150 § 1, 1991; Ord. 1296 § 5, 1987; Ord. 1215 § 2, 1979)
Chapter 3.34

SECURITIES AND RETENTIONS

Section:
3.34.010 Securities and retentions held in trust.

3.34.010 Securities and retentions held in trust.
Whenever security or a retention of funds is required under the Carlsbad Municipal Code or under the terms of a contract with the city, that security or retention shall be held in trust for the City of Carlsbad. (Ord. NS-229 § 1, 1993)
Chapter 3.36

FEES FOR SPECIAL POLICE SERVICES

Sections:
3.36.010 Established.
3.36.020 Special events.
3.36.030 Waiver of fees.
3.36.040 Fee for police services at parties requiring a second response.

3.36.010 Established.
A. A fee established by city council resolution shall be paid whenever special police services are provided by the Carlsbad police department. The fee shall not exceed the cost of providing the service.
B. For the purposes of this chapter, “special police services” includes, but is not limited to, providing crime reports, accident reports, fingerprinting, photographs, clearance letters and patrol or security officers or equipment for special events. (Ord. 1263 § 1, 1983)

3.36.020 Special events.
A. Whenever a special event, including but not limited to exhibits, fairs, athletic events, trade shows, concerts or conventions, requires any permit under the provisions of this code the chief of police may, as a condition of the permit, require that patrol or security officers or equipment be provided.
B. The patrol or security officers or equipment provided shall be approved by the chief of police.
C. The chief of police may require that the patrol or security officers or equipment shall be provided by the Carlsbad police department as a special police service.
D. Whenever patrol or security officers or equipment shall be provided by the Carlsbad police department the applicant shall deposit with the city security in a form acceptable to the chief of police, or cash, in an amount sufficient to guarantee payment for the cost of providing the special police service.
E. Whenever a person holding an event not requiring a permit requests special police services the provisions of this section shall apply. (Ord. 1263 § 1, 1983)

3.36.030 Waiver of fees.
Governmental agencies and nonprofit corporations, agencies, or organizations whose nonprofit status is listed and declared by the State of California may request a waiver of the fees from the city council. (Ord. 1263 § 1, 1983)

3.36.040 Fee for police services at parties requiring a second response.
A. It is the purpose of this section to recover the city’s costs for second or subsequent responses to the scene of a party when the police officer determines that continued activity is a threat to the peace, health, safety or general welfare of the public. Return calls to a party to disperse uncooperative participants is a drain on personnel and resources often leaving other areas of the city without adequate levels of police protection which creates a hazard to the public, requires resources over and above the level of police services normally provided and constitutes a public nuisance the costs for which should be paid by the responsible person.
B. For the purpose of this section, the following definitions shall apply:
“Costs of a second or subsequent responses” include the salaries of the police officers for the amount of time actually spent in responding to or remaining at the party, at a rate established by the city manager plus the actual cost of any medical treatment to injured city employees and the cost of repairing any damaged city equipment or property.
“Party” includes a gathering or event where a group of persons have assembled or are assembling on private property for a social occasion or social activity which may constitute a disturbance of the peace in violation of California Penal Code Section 415.

“Responsible person” is the person or persons who own the property where the party takes place or who are in charge of the premises or who organized the party. If the responsible person is a minor, then the minor’s parents or guardians will jointly and severally be liable for the costs.

C. During a first response to a complaint of a disturbance at a party, the responding officer may, among other things, deliver to the responsible person a “Notice of Violation: First Response” which shall contain a message substantially as follows:

This notice of violation is given to you as a result of a first response by the City of Carlsbad to a disturbance of the peace occurring in violation of California Penal Code Section 415. You will be charged all City personnel and equipment costs incurred as a result of any second or subsequent response by the police to this location.

The notice may also contain such other information as deemed necessary by the city manager to accomplish the purposes of this section.

D. If the city is required to make a second or subsequent response to a party and a “Notice of Violation: First Response” has been delivered to the responsible person, then the city shall compute the costs of such response. A bill for the costs incurred by the city for its second and subsequent responses shall be prepared and delivered to the responsible person who shall be liable for its payment. The amount of the charge shall be deemed a debt to the city of the responsible person who shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney’s fees.

E. The city manager is authorized to adopt appropriate procedures for billing and other matters necessary for the administration of this section.

F. Any person aggrieved by any decision of the city manager to bill for costs of a second or subsequent response may appeal to the city council by filing a notice of appeal with the city clerk within 15 days of the date of the billing. Upon the filing of such request, the city clerk shall set a time and place for the hearing and shall notify the appellant thereof. At the hearing, any person may present evidence in opposition to or in support of the appellant’s case. At the conclusion of the hearing, the city council may affirm, reverse or modify the decision and the decision of the city council shall be final. (Ord. NS-84 § 1, 1989)
Chapter 3.37

CARLSBAD TOURISM BUSINESS IMPROVEMENT DISTRICT

Sections:

3.37.010 Definitions.
3.37.020 Procedure and findings.
3.37.030 Establishing the Carlsbad Tourism Business Improvement District.
3.37.040 Boundaries.
3.37.050 Levy and collection of assessments.
3.37.055 Refund of assessments.
3.37.060 Ordering the collection of assessments.
3.37.070 Use of proceeds from assessments.
3.37.080 Penalty for nonpayment of assessment.
3.37.090 Assessments to be used within the district.
3.37.100 Advisory board.
3.37.110 Severability.

3.37.010 Definitions.
"Hotel" shall have the meaning defined in Section 3.12.020 of the Carlsbad Municipal Code. (Ord. NS-778 § 1, 2005)

3.37.020 Procedure and findings.
This chapter is made and enacted pursuant to the provisions of the Parking and Business Improvement Area Law of 1989 (Sections 36500, et seq., of the Streets and Highways Code) (the "law").

A. On September 13, 2005, the city council of the City of Carlsbad adopted Resolution No. 2005-281 entitled, "A Resolution of Intention of the City Council of the City of Carlsbad, California, Declaring the Intention of the City Council to Establish the Carlsbad Tourism Business Improvement District (CTBID), Fixing the Time and Place of a Public Meeting and Public Hearing Thereon and Giving Notice Thereof."

B. Said Resolution No. 2005-281 was published and copies thereof were duly mailed and posted, all as provided by said law and said Resolution No. 2005-281.

C. Pursuant to said Resolution No. 2005-281, a public meeting concerning the formation of said district was held before the city council of the City of Carlsbad on October 11, 2005 at 6:00 p.m. in the council chambers of the City Hall of the City of Carlsbad.

D. Pursuant to said Resolution No. 2005-281, a public hearing concerning the formation of said district was held before the city council of the City of Carlsbad on November 8, 2005 at 6:00 p.m. in the council chambers of the City Hall of the City of Carlsbad.

E. All written and oral protests made or filed were duly heard; evidence for and against the proposed action was received; a full, fair and complete hearing was granted and held.

F. The city council determined that there was no majority protest within the meaning of Section 36525 of the law.

G. Following such hearing, the city council hereby finds that the hotel businesses lying within the district herein created, in the opinion of the city council, will be benefited by the expenditures of funds raised by the assessment or charges proposed to be levied hereunder. (Ord. NS-778 § 1, 2005)

3.37.030 Establishing the Carlsbad Tourism Business Improvement District.
Pursuant to said law, the Carlsbad Tourism Business Improvement District (CTBID) is hereby established in the City of Carlsbad as herein set forth and all hotel businesses in the district established by this chapter
shall be subject to any amendments made hereafter to said law or to other applicable laws. (Ord. NS-778 § 1, 2005)

3.37.040 Boundaries.
The boundaries of the CTBID shall be the boundaries of the City of Carlsbad as shown on the map labeled Exhibit A attached to the ordinance codified in this chapter and found on file in the city clerk’s office. (Ord. NS-778 § 1, 2005)

3.37.050 Levy and collection of assessments.
The CTBID will include all hotel businesses located within the CTBID boundaries. The assessment shall be levied on all hotel businesses, existing and future, within the City of Carlsbad based upon a flat fee of one dollar per occupied room per night for all transient occupancies as defined in Section 3.12.020 of the Carlsbad Municipal Code. The amount of the assessment shall be separately stated from the amount of the rent and other taxes charged, and each transient shall receive a receipt for payment from the operator. The assessment will be collected monthly, based on one dollar per occupied room per night in revenues for the previous month. New hotel businesses within the boundaries will not be exempt from the levy of assessment authorized by Section 36531. Assessments pursuant to the CTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. No assessment shall be imposed upon occupancies of any federal or State of California officer or employee when on official business nor on occupancies of any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty. (Ord. NS-778 § 1, 2005)

3.37.055 Refund of assessments.
A. When not otherwise prohibited by law, the CTBID advisory board may authorize a refund in any amount for assessment monies that were erroneously paid to or collected by, but not actually due to the CTBID at the time the funds were received, such as overpayments or duplicate payments.
B. A written request for refund, signed by the person paying the fee shall be filed with the City of Carlsbad finance director setting forth the facts and reasons which justify the request.
C. The finance director shall investigate the request and forward the request and his or her recommendation to the CTBID advisory board.
D. The CTBID advisory board shall make written findings that supports the authorization for refund and shall send to the city manager regular reports of assessments refunds exceeding $10,000.00.
E. Upon receipt of proper authorization, the finance director shall make the assessment refund.
F. All requests for refund of assessments fees paid in error shall be made within one year of the date in which the assessment payment made in error was posted to the CTBID account. (Ord. CS-185 § 1, 2012)

3.37.060 Ordering the collection of assessments.
The city council hereby levies and imposes and orders the collection of an additional assessment to be imposed upon persons occupying hotel business premises in the proposed district described above, which shall be calculated pursuant to Section 3.37.050 above. Such levy shall begin on January 1, 2006. (Ord. NS-778 § 1, 2005)

3.37.070 Use of proceeds from assessments.
The proceeds of the additional hotel business assessment shall be spent to administer marketing and visitor programs to promote the City of Carlsbad as a tourism visitor destination and to fund projects, programs, and activities, including appropriate administrative charges, that benefit hotels within the boundaries of the district. Funds remaining at the end of any CTBID term may be used in subsequent years in which CTBID
assessments are levied as long as they are used consistent with the requirements of this section. The city council of the City of Carlsbad shall consider recommendations as to the use of said revenue made by the advisory board created by Section 3.37.100 of this chapter. (Ord. NS-778 § 1, 2005)

3.37.080 Penalty for nonpayment of assessment.
Any hotel business that fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of 10% of the amount of the assessment in addition to the amount of the assessment. Any hotel business that fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10% of the amount of the assessment and the 10% penalty first imposed. In addition to the penalties imposed, any hotel business that fails to remit any assessment imposed by this chapter shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid. (Ord. NS-778 § 1, 2005)

3.37.090 Assessments to be used within the district.
The improvements and activities to be provided in the CTBID will be funded by the levy of the assessments. The revenue from the levy of assessments within the CTBID shall not be used to provide improvements or activities outside the CTBID or for any purpose other than the purposes specified in the resolution of intention. (Ord. NS-778 § 1, 2005)

3.37.100 Advisory board.
The advisory board for the district is hereby appointed pursuant to Section 36530 of the law. The initial members and the powers and duties of the advisory board shall be set forth in a separate resolution adopted by the city council. It shall be the purpose of the advisory board to make recommendations to the city council on expenditures for the programs and activities of the CTBID, to make recommendations for its annual budget to be approved by the city council, and to provide end-of-year financial reports of the CTBID operations as required by the city council. The powers and duties of the advisory board shall be specified by resolution of the city council. The city attorney shall serve as the general counsel of the advisory board. (Ord. NS-778 § 1, 2005)

3.37.110 Severability.
If any section, subsection, sentence, clause or phrase of this chapter 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 chapter. The city council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. (Ord. NS-778 § 1, 2005)
Chapter 3.38

CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT

Sections:
  3.38.010 Definitions.
  3.38.020 Procedure and findings.
  3.38.030 Establishing the Carlsbad Golf Lodging Business Improvement District.
  3.38.040 Boundaries.
  3.38.050 Levy and collection of assessments.
  3.38.055 Refund of assessments.
  3.38.060 Ordering the collection of assessments.
  3.38.070 Use of proceeds from assessments.
  3.38.080 Penalty for nonpayment of assessment.
  3.38.090 Assessments to be used within the district.
  3.38.100 Advisory board.
  3.38.110 Severability.

3.38.010 Definitions.
"Hotel" shall have the meaning defined in Section 3.12.020 of the Carlsbad Municipal Code. (Ord. CS-194 § I, 2012)

3.38.020 Procedure and findings.
This chapter is made and enacted pursuant to the provisions of the Parking and Business Improvement Area Law of 1989 (Sections 36500 et seq., of the Streets and Highways Code) (the "law").

A. On September 11, 2012, the city council of the City of Carlsbad adopted Resolution No. 2012-221 enti-tled, "A Resolution of Intention of the City Council of the City of Carlsbad, California, Declaring the In-tention of the City Council to Establish the Carlsbad Golf Lodging Business Improvement District (CTBID), Fixing the Time and Place of a Public Meeting and Public Hearing Thereon and Giving Notice Thereof."

B. Said Resolution No. 2012-221 was published and copies thereof were duly mailed and posted, all as provided by said law and said Resolution No. 2012-221.

C. Pursuant to said Resolution No. 2012-221, a public meeting concerning the formation of said district was held before the city council of the City of Carlsbad on September 25, 2012 at 6:00 p.m. in the council chambers of the City Hall of the City of Carlsbad.

D. Pursuant to said Resolution No. 2012-221, a public hearing concerning the formation of said district was held before the city council of the City of Carlsbad on November 6, 2012 at 6:00 p.m. in the council chambers of the City Hall of the City of Carlsbad.

E. All written and oral protests made or filed were duly heard; evidence for and against the proposed ac-tion was received; a full, fair and complete hearing was granted and held.

F. The city council determined that there was no majority protest within the meaning of Section 36525 of the law.

G. Following such hearing, the city council hereby finds that the Carlsbad hotels opting in to the district, in the opinion of the city council, will be benefitted by the expenditures of funds raised by the assessment or charges proposed to be levied hereunder. (Ord. CS-194 § I, 2012)
3.38.030 Establishing the Carlsbad Golf Lodging Business Improvement District.
Pursuant to said law, the Carlsbad Golf Lodging Business Improvement District (CGLBID) is hereby established in the City of Carlsbad as herein set forth and hotel businesses that elect to be part of the district established by this chapter shall be subject to any amendments made hereafter to said law or to other applicable laws. The initial members of the advisory board shall be set forth in a separate resolution adopted by the city council. (Ord. CS-194 § I, 2012)

3.38.040 Boundaries.
The boundaries of the CGLBID shall be the boundaries of the City of Carlsbad as shown on the attached map labeled Exhibit A and found on file in the city clerk’s office. (Ord. CS-194 § I, 2012)

3.38.050 Levy and collection of assessments.
The CGLBID members will include all lodging businesses within the City of Carlsbad that have elected to be part of the district. Businesses may elect to participate in the district by submitting a written letter to the city requesting inclusion no later than May 1 for the following fiscal year. Once a lodging business has submitted a signed request to be included, the assessment shall be mandatory. Participating businesses will be listed in the annual report submitted to the city. The assessment shall be levied on these hotel businesses that have elected to be part of the district for that fiscal year, within the City of Carlsbad based upon a flat fee of two dollars per occupied room per night for all transient occupancies as defined in Section 3.12.020 of the Carlsbad Municipal Code. The amount of the assessment shall be separately stated from the amount of the rent and other taxes charged, and each transient shall receive a receipt for payment from the operator. The assessment will be collected monthly, based on two dollars per occupied room per night in revenues for the previous month. New hotel businesses within the boundaries of the district opening during the term of the district will receive notice of the opportunity to be included at least 30 days prior to the annual hearing. Assessments pursuant to the CGLBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. No assessment shall be imposed upon occupancies of any federal or State of California officer or employee when on official business nor on occupancies of any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty. (Ord. CS-194 § I, 2012)

3.38.055 Refund of assessments.
A. When not otherwise prohibited by law, the CGLBID advisory board may authorize a refund in any amount for assessment monies that were erroneously paid to or collected by, but not actually due to the CGLBID at the time the funds were received, such as overpayments or duplicate payments.
B. A written request for refund, signed by the person paying the fee shall be filed with the City of Carlsbad finance director setting forth the facts and reasons which justify the request.
C. The finance director shall investigate the request and forward the request and his or her recommendation to the CGLBID advisory board.
D. The CGLBID advisory board shall make written findings that support the authorization for refund and shall send to the city manager regular reports of assessments refunds exceeding $10,000.00.
E. Upon receipt of proper authorization, the finance director shall make the assessment refund.
F. All requests for refund of assessments fees paid in error shall be made within one year of the date in which the assessment payment made in error was posted to the CGLBID account. (Ord. CS-194 § I, 2012)

3.38.060 Ordering the collection of assessments.
The city council hereby levies and imposes and orders the collection of an additional assessment to be imposed upon persons occupying hotel business premises in the proposed district described above, which
shall be calculated pursuant to Section 3.38.050 above. Such levy shall begin on January 1, 2013. (Ord. CS-194 § I, 2012)

3.38.070 Use of proceeds from assessments.
The proceeds of the additional hotel business assessment shall be used to promote golf-related tourism within the boundaries of the CGLBID, as well as marketing related capital improvements such as golf-related signage, golf-related equipment and to pay for related administrative costs. Funds remaining at the end of any CGLBID term may be used in subsequent years in which CGLBID assessments are levied as long as they are used consistent with the requirements of this section. The city council of the City of Carlsbad shall consider recommendations as to the use of said revenue made by the advisory board created by Section 3.38.100 of this chapter. (Ord. CS-194 § I, 2012)

3.38.080 Penalty for nonpayment of assessment.
Any hotel business that fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of 10% of the amount of the assessment in addition to the amount of the assessment. Any hotel business that fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10% of the amount of the assessment and the 10% penalty first imposed. In addition to the penalties imposed, any hotel business that fails to remit any assessment imposed by this chapter shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid. (Ord. CS-194 § I, 2012)

3.38.090 Assessments to be used within the district.
The improvements and activities to be provided in the CGLBID will be funded by the levy of the assessments. The revenue from the levy of assessments within the CGLBID shall not be used to provide improvements or activities outside the CGLBID or for any purpose other than the purposes specified in the resolution of intention. (Ord. CS-194 § I, 2012)

3.38.100 Advisory board.
The advisory board for the district is hereby created pursuant to Section 36530 of the law. The initial members and the powers and duties of the advisory board shall be set forth in a separate resolution adopted by the city council. It shall be the purpose of the advisory board to make recommendations to the city council on expenditures for the programs and activities of the CGLBID, to make recommendations for its annual budget to be approved by the city council, and to provide end-of-year financial reports of the CGLBID operations as required by the city council. The city attorney shall serve as the general counsel of the advisory board. (Ord. CS-194 § I, 2012)

3.38.110 Severability.
If any section, subsection, sentence, clause or phrase of this chapter 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 chapter. The City Council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. (Ord. CS-194 § I, 2012)
Title 4

(RESERVED)
Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 Licensing Businesses Generally
5.08 License Taxes
5.09 Additional License Tax on New Construction
5.10 Bingo
5.12 Cardrooms
5.16 Massage Services
5.17 Escort Services
5.20 Taxicabs
5.24 Trailers and Trailer Parks
5.29 State Video Franchises
5.30 Inspection of Avocados
5.50 Fortunetelling and Related Occupations
5.60 Short-Term Vacation Rentals
Chapter 5.04

LICENSING BUSINESSES GENERALLY

Sections:
5.04.010 Definitions.
5.04.020 License required.
5.04.025 Temporary amnesty period.
5.04.030 Violations.
5.04.040 License nontransferable except for changed location.
5.04.050 Duplicate licenses.
5.04.060 Separate license for each place of business.
5.04.070 Posting and display of license.
5.04.080 Exemptions.
5.04.085 Constitutional apportionment.
5.04.090 Appeals to council.
5.04.100 Unlawful operation or nuisance.
5.04.110 Vested rights.
5.04.120 Refusal to issue to hazardous businesses—Appeal.
5.04.130 Adjustments.
5.04.140 Permits or franchises in lieu of prescribed licenses.
5.04.150 Administration.
5.04.160 Businesses, operations or uses contravening state or federal law.

5.04.010 Definitions.
As used in this title the following words and phrases shall have the following meanings:

“Business” includes professions, trades, occupations and all and every kind of calling whether or not carried on for profit;

“Gross receipts” includes the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as part of or in connection with the sale of materials, goods, wares or merchandise. Included in gross receipts shall be all receipts, cash, credits and property of any kind or nature without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Gross receipts shall also include all receipts from coin-operated vending machines. Excluded from gross receipts shall be cash discounts allowed and taken on sales; any tax required by law to be included in or added to the purchase price and collected from the customer or purchaser; such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit; and amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected. (Ord. 6049 § 1, 1973; Ord. 6040 § 6, 1967)

5.04.020 License required.
A. There are imposed upon persons engaged in the specified businesses in this title, within the city limits, license taxes in the amounts hereinafter prescribed. The license tax shall be due and payable before the commencement of any new business. A penalty charge shall accrue to any new business without a license upon the expiration of one year, or after receiving written notice of this requirement, whichever occurs first. Notification shall be in writing and proof of receipt shall be retained on file by the license collector. The tax shall be increased by a penalty of 25% of the license tax 60 days after it is due, and increased by a penalty of 50% of the license tax 90 days after it is due.
B. For all previously licensed businesses the license tax shall be due and payable annually in advance on the first day of the month in which the business was originally established. In the event any person fails to pay a license renewal tax, the tax shall be increased by a penalty of 25% of the license tax 60 days after it is due, and increased by a penalty of 50% of the license tax 90 days after it is due.

C. The finance director or designee shall have the discretion to waive all or a portion of penalties imposed for failure to obtain or renew a business license upon a showing of good cause.

D. Nothing contained in this section shall be construed as permitting the operation of a business, which is intended to be operated for only a limited period of time and on a nonpermanent basis, such as athletic events, carnivals, etc., without having first obtained a business license. Each such license shall show the number of such license, the period of time covered thereby, the name of the person to whom issued, and the location or place where such business is to be commenced or conducted, and upon a detachable portion of such license, shall also show the number of such license and the amount of the fee paid therefor. No error or mistake on the part of the license collector or any other person in the determination, stating or collection of the amount of any license tax shall prevent or prejudice the collection by or for the city of what shall be actually due from anyone commencing or conducting any business subject to a license tax, nor shall the issuance of any license under this title authorize the commencing or conducting of any business in any zone, district or location within the city, contrary to the provisions of any zoning or other ordinance of the city.

Applications on forms prescribed by the license collector shall be filed annually by each licensee before the issuance of a license. Any person intending to engage in the business of owning, renting, leasing, operating, maintaining or servicing coin-operated vending machines or news racks shall include with the application a list of the number, type and location of such machines.

For the purposes of determining the correct tax to be collected, the license collector may at any time require a licensee to furnish his or her books of account and records for inspection and audit and may require the production of other documents and information regarding the business as authorized by law. Refusal by a licensee or applicant to furnish such books of account and records upon request therefor by the license collector shall automatically revoke any then existing business license, and shall require the license collector to refuse to issue any further business licenses to the person so refusing. Any and all books of account and records furnished pursuant hereto, and any and all statements made by a licensee for the purpose of obtaining a business license shall be confidential in character and shall not be subject to public inspection or disclosure, except in the proper proceedings before the city council or a competent court or tribunal. It is unlawful for any person to cause to be disclosed, except as provided in this title, any of the information required to be furnished hereunder to the license collector for purposes of determining the correct tax to be collected.

(Ord. NS-389 § 1, 1997; Ord. NS-324 § 1, 1995; Ord. 6073 § 1, 1983; Ord. 6061 § 1, 1980; Ord. 6049 § 2, 1973; Ord. 6040 § 2, 1967)

5.04.025 Temporary amnesty period.
To encourage voluntary compliance with this chapter during the city’s public awareness campaign, the city establishes a temporary amnesty period for persons or entities currently engaged in a business that should have been but has not previously been licensed under this chapter. Such persons or entities will not be subject to the penalties specified in Section 5.04.020(A) provided they obtain a business license prior to the end of this amnesty period and prior to being cited for a violation under Section 5.04.030.

This section and the amnesty period shall be operative until September 30, 2000, at which time this section and the amnesty period shall be automatically repealed. (Ord. NS-549 § 1, 2000)

5.04.030 Violations.
It is unlawful for any person to conduct any business within the city without first having obtained from the city a license so to do, and each day or portion thereof of conduct of such business constitutes a separate violation of this title.
5.04.040 License nontransferable except for changed location.
No license issued pursuant to this title shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and the paying a fee of one dollar have the license amended to authorize the transacting and carrying on of such business under the license at some other location to which the business is or is to be moved. (Ord. 6040 § 4, 1967)

5.04.050 Duplicate licenses.
Upon receipt of an affidavit filed in the office of the license collector, by or on behalf of any licensee, stating that any license has been lost or destroyed, the license collector shall issue a duplicate of such license to the licensee therein named. A charge of one dollar shall be made for each such duplicate license issued, which sum shall be paid into the treasury of the city to the credit of the general fund. (Ord. 6061 § 1, 1980; Ord. 6040 § 5, 1967)

5.04.060 Separate license for each place of business.
A separate license must be obtained for each branch establishment or separate place of business in which the business licensed is commenced or conducted within the city, except that in the case of vending machines and newsracks only one license per owner/operator need be obtained. Each license shall authorize the licensee named therein to commence or conduct only that business described in such license and only at the location or place indicated therein; provided, however, that where a license is herein imposed on any business the gross receipts or sales of which are made the basis for fixing the amount of the license fee of such license, a separate license fee shall be paid for each branch establishment or separate place of business in which such business is commenced or conducted, based upon the gross receipts or sales of such branch establishment or separate place of business. (Ord. NS-324 § 2, 1995; Ord. 6040 § 6, 1967)

5.04.070 Posting and display of license.
All persons conducting businesses within the city at fixed places shall post their licenses issued under this title, except for the detachable portions thereof showing the fees paid, at such places of business.
In all instances in which a license is required under this title for the use of any vehicle, equipment, contrivance or device, the license shall be attached to the vehicle, equipment, contrivance or device. Any person conducting business within the city shall, upon demand therefor by the license collector or properly designated city employee, exhibit his or her license for inspection. (Ord. 6061 § 1, 1980; Ord. 6040 § 7, 1967)

5.04.080 Exemptions.
Nothing in this title shall be deemed or construed to apply to any person conducting any of the following businesses:
A. Any business exempt by virtue of the United States Constitution or statutes of the United States or of the State of California from the payment of such taxes as are prescribed in this title;
B. Any business conducted under a written franchise from the city;
C. Any business which is conducted, managed or carried on only for charitable, fraternal or educational purposes, or from which profit is not derived, either directly or indirectly, by any person. (Ord. 6040 § 8, 1967)
5.04.085  Constitutional apportionment.
None of the license tax as provided for by Chapters 5.04 and 5.08 shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the State of California.

In any case where a license tax is believed by licensee or applicant for a license to place an undue burden upon interstate commerce or to be violative of such constitutional clauses, the licensee or applicant may apply to the city council for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax. The burden of proving an undue burden upon interstate commerce or a violation of the equal protection or due process clauses of the Constitutions of the United States and the State of California shall be upon the applicant. The decision of the city council shall be final.

(Ord. 6063 § 1, 1981)

5.04.090  Appeals to council.
In the event of a dispute between an applicant or licensee and the license collector regarding the classification of any business under this title or the amount of the license fee to be paid therefor, then any such applicant or licensee or the license collector/city attorney, may appeal to the city council to hear and determine such matter. The appeal shall be taken by addressing a communication to the council in writing, briefly stating the question involved. The communication shall be presented to the city council at a council meeting within 30 days of its receipt, at which meeting the city council shall hear such evidence with reference to the subject thereof as may be offered and may continue the hearing from time to time. The findings and decisions of the council after hearing and considering such evidence shall be binding, final and conclusive as to the classification of the business and the amount of license fee involved under this title. Pending the hearing on any such appeal filed by an applicant for a license under this title, no license shall be issued for the business involved in such controversy unless the classification assigned thereto by the license collector is accepted in the meantime and the license fee therefor paid as provided in this title. Such acceptance and payment shall be deemed made under protest and subject to decision of the council and such adjustment, if any, as the council may order. Appeals by a licensee must be taken within 10 days after the issuance of the license constituting the basis of appeal, and if not so taken shall be waived, and thereafter shall not be considered by the council. (Ord. 6061 § 1, 1980; Ord. 6040 § 9, 1967)

5.04.100  Unlawful operation or nuisance.
The granting of a license under this title shall not be deemed in any sense whatsoever a permit or license to conduct the business referred to therein, in any unlawful manner, or in any manner so as to constitute the same a nuisance. (Ord. 6040 § 10, 1967)

5.04.110  Vested rights.
No provision of this title or any license issued under this title, shall give any vested right pursuant to any license issued, or required to be issued, thereunder, either as to the rates or amounts of license fees, or the terms and durations thereof, and any and all matters provided therein are and shall be subject to repeal, amendment, alteration and change to become effective at the end of any license period, and all licenses for such purposes shall be subject to such ordinances of the city as the city may from time to time establish; provided, that if any license is revoked, the amount of the license fee paid shall be proportioned accordingly, and the proportional part for the unexpired part of the term of such license shall be repaid to the licensee within 10 days after written demand, or at the licensee’s option, credited upon any other license required of him or her. (Ord. 6040 § 11, 1967)

5.04.120  Refusal to issue to hazardous businesses—Appeal.
Notwithstanding any of the other provisions of this title, in all those cases where application is made for a license for a business which from its general nature, or the materials, goods, wares, merchandise or commodities handled, or to be handled, constitutes, in the opinion of the license collector, a potential fire hazard,
or public safety hazard, the license collector may refuse to issue a license for such business unless and until there has been filed with him or her, in writing, from the community and economic development director and from the fire chief, statements approving the location indicated therefor. The applicant shall have the right of appeal to the city council from any refusal of the license collector to issue any such license under the provisions of this section, such appeal to be made and heard in substantially the same manner as hereinabove contemplated for appeals under Section 5.04.090. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 5, 1983; Ord. 6061 § 1, 1980; Ord. 6040 § 12, 1967)

5.04.130 Adjustments.
If it is found that an additional license fee amount is required from any licensee, the license collector shall bill the licensee for such amount and such amount shall be paid by the licensee within 30 days after the billing. It is unlawful for any licensee to continue to conduct any business within the city if the licensee is billed as provided in this chapter for an additional license fee and fails to pay such additional license fee within 30 days after such billing. In the event it is found that any licensee has paid a license fee amount in excess of that required, the licensee may submit a request for refund to the license collector, who shall investigate the request and forward the request and recommendation to the city manager or designee. At the request of the licensee, the license collector may, in the license collector’s discretion, apply a refund in an amount less than $25,000.00, or a portion thereof, to the next ensuing license fee payable by such licensee for such business. No minimum license fee or any portion of such minimum fee shall be refunded.

The city manager reserves the right to pass upon and in his or her discretion either grant or refuse to grant refunds or amounts, or portions thereof, paid as license fees over and above the minimum fee, after ascertaining the facts in each particular case where requests or demand for refund is made or presented. (Ord. 142 § 2, 2011; Ord. 6061 § 1, 1980; Ord. 6060 § 1, 1979; Ord. 6040 § 13, 1967)

5.04.140 Permits or franchises in lieu of prescribed licenses.
In those cases where any other ordinance of the city prescribing a registration or license fee relates to a particular business, or classification therein referred to, then and in all such cases the particular registration or license fees prescribed by such other ordinance shall be paid and shall be in lieu of the business license fees. It is the purpose and intention of the city council that every business, which is lawfully subject to the payment of a business license tax shall pay such a tax, but in no case to require a duplication of such business license fees or taxes. Nothing contained in this section, however, shall be construed as relating to permits or other fees required to be paid under the building, electricity and plumbing chapters* or permits or other fees required to be paid in connection with such matters as building, plumbing, electrical and similar permits or plan checking fees, as all such fees are in addition to the license taxes or registration charges imposed by this and other ordinances of the city. (Ord. 6040 § 14, 1967)

* Building, electrical and plumbing codes can be found in Title 18 of this code.

5.04.150 Administration.
The city manager shall be responsible for the administration and enforcement of this chapter and may adopt such written procedures as are necessary for its efficient administration. The city manager’s decisions may be appealed within 10 calendar days of the date of the decision to the city council, whose decision shall be final. Fees for appeal shall be established by resolution of the city council. (Ord. NS-549 § 2, 2000)

5.04.160 Businesses, operations or uses contravening state or federal law.
Notwithstanding any provision in this code to the contrary, any business, operation or use that cannot be conducted or carried out without being in violation of state or federal law shall be prohibited in all planning areas, districts, or zones within the city. (Ord. CS-043 § 1, 2009)
Chapter 5.08

LICENSE TAXES

Sections:
5.08.010 Based on gross receipts.
5.08.015 Solicitors and vendors.
5.08.020 Distribution of advertising matter.
5.08.030 Auctioneer.
5.08.040 Auctions and bankrupt stock.
5.08.050 Automobile wrecking yard.
5.08.060 Athletic events, shows and similar events.
5.08.070 Contractors, subcontractors and sign painters.
5.08.080 Home occupations.
5.08.090 Junk.
5.08.100 Motion picture taking (commercial).
5.08.110 Oil wells.
5.08.120 Pawnbrokers.
5.08.130 Public utility.
5.08.140 Taxicabs.
5.08.150 Vending machines—Amusement and skill machines and related devices.
5.08.160 Professional licenses.
5.08.170 Billiards, pool, ping-pong and related games.
5.08.180 Private police patrols or private watch service.
5.08.190 Wheel tax.

5.08.010 Based on gross receipts.
A. Classification A. Persons engaged in the businesses listed in this subsection shall pay a license tax of $25.00 plus 40 cents for each $1,000.00 of annual gross receipts or portion thereof, from the business, but in no event shall the license tax be less than $30.00.

Bookkeeper
Barber school
Barber shop
Beauty school
Beauty shop
Collection agency
Dancing teacher and/or dancing school
Designer
Draftsman
Funeral home
House mover
Finance and/or loan company
Illustrator/commercial artist
Insurance adjuster
Bottled water service
Interpreter
Interior decorator service
Music teacher and/or music school
Radio station
Repair service (unless otherwise specified)
Dressmaker and/or tailor
Employment agency
Stock, bond or security brokerage
Plumbing and heating sales
Photographers/photography
Drive-in/thru restaurant
Rock and sand

B. Classification B. Persons engaged in the businesses listed in this subsection shall pay a license tax of $25.00 plus 35 cents for each $1,000.00 of annual gross receipts or portion thereof, from the business, but in no event shall the license tax be less than $30.00.
Janitorial service
Lapidary shop
Intra-city private trucking
Bus transportation
Bakery
Cocktail lounge
Delivery service
Auto renting and/or leasing
Tavern
Confectionery restaurant
Auto parts—Sales
Toy store
Variety store
Garage
Liquor store

C. Classification C. Persons engaged in the businesses listed in this subsection shall pay a license tax of $25.00 plus 30 cents for each $1,000.00 of annual gross receipts or portion thereof, from the business, but in no event shall the license tax be less than $30.00.
Rental of two or more apartment units whether at the same or separate location
Boarding, lodging or rooming house
Locksmith
Motel/hotel
Trailer court
Jewelry and/or watch repairing
Motor court
Shoe store
Appliance store
Radio and TV sales and repair
Sporting goods store
Trailer, boat and motorcycle dealer
Bowling alley
Apparel store
Lumber and building materials store
Service station
Car wash
Coin-operated dry cleaning business
Feed and ice dealer
Office supply store
Specialty stores
Trailer camp
Department store
Florist
Hardware store
Car dealer, new or used
Nursery and garden supply store
Paint, glass and wallpaper store
Creamery
Diaper service
Laundry and dry cleaning (agent and plant)
Theater
Penny or small coin arcades and/or amusement park
Specialty food sales store
Tobacco and periodicals store
Book store
Drug store
Gift, novelty, souvenir store
Grocery and food sales store
Furniture store
Farm equipment store
Linen service
Meat market
Dairy route delivery person
Coin-operated vending machines
Newspaper stands
Public dance halls, ice skating rinks and roller skating rinks, subject to a special permit from the city council to be first obtained; provided, however, that nothing contained in this chapter shall be con-
strued as abrogating or repealing the provisions of any ordinance or regulation of the city or of the city council thereof, dealing expressly with the subject of public dance halls or public dances, nor as interfering with any regulatory ordinance or requirement made or adopted with reference thereto by the city council; provided further, that when a dance is conducted in connection with and only as an incident of any other business duly licensed under the provisions of this chapter, conducting the same shall be subject to special permit from the council to be first obtained.

D. Classification D. Persons engaged in the businesses listed in this subsection shall pay a license tax of $25.00 plus 20 cents for each $1,000.00 of annual gross receipts or portion thereof, from the business, but in no event shall the license tax be less than $30.00.

Wholesaler
Manufacturer
Farmer
Rancher
Grower

E. In the event a person is engaged in a business which conducts activities in two or more of the stated classifications in this section, and does not segregate the gross receipts of such activities, he or she shall pay a license tax on the gross receipts of all the business activities, at the rate applicable to the major or largest single portion of his or her business.

F. Any business for which a business license tax is not provided herein, shall be taxed upon its gross receipts as if classified in classification B of this section. (Ord. NS-324 § 3, 1995; Ord. NS-68 § 1, 1989; Ord. 6049 § 3, 1973; Ord. 6042 § 1, 1971; Ord. 6040 § 15, 1967)

5.08.015 Solicitors and vendors.
Any person engaged in the business of soliciting, vending or peddling regulated by Chapter 8.32 shall pay a license tax according to Section 5.08.010(C) unless such soliciting, vending or peddling is conducted as an incident to any business regularly licensed under this chapter. (Ord. 6076 § 3, 1985)

5.08.020 Distribution of advertising matter.
The license tax for distributing advertising bills, posters, pictures, lithographs, maps, plates, announcements, samples or other devices, or any other advertising matter of any kind is $10.00 per day for each individual person engaged in such actual distribution; provided, however, that such license fee shall not be payable when such distribution is made as an incident to the conducting of any business regularly licensed under this chapter, where the things, articles or matter distributed relate to or advertise only the business so licensed, or exclusively the goods, wares or merchandise dealt in by such licensee; provided further, that any distribution made or licensed to be made under this section, must be made in full conformity with the requirements of any other ordinance of the city relating thereto. (Ord. 6040 § 16, 1967)

5.08.030 Auctioneer.
The license tax for auctioning real estate, goods, wares, merchandise or property, or conducting any public auction, sale or sales not hereinabove otherwise provided for in Section 5.08.040, is $50.00 per day. (Ord. 6040 § 17, 1967)

5.08.040 Auctions and bankrupt stock.
The license tax for auction sales of goods, wares, merchandise or property where goods or property are brought or transported to the premises where such sales are made for the purpose of making or conducting such auction sales; and the selling or offering for sale of a bankrupt stock of goods, wares, merchandise or property of any kind is $150.00 per year (which shall include the right to the service of one auctioneer for sales at such place only). Before being entitled to a license under this section, the licensee must have filed
5.08.050 with the license collector his or her written statement describing the particular stock to be sold, and his or her agreement not to sell anything under such license applied for but the particular stock referred to in such statement; and in the event stock other than that so described is offered for sale or if the advertising relating to such sale is unsure or misleading, the license collector may forthwith revoke the license without notice. With regard to the activities for which a license tax is charged under the provisions of this section, it is further provided that no such license fee shall be required to be paid under this chapter for the selling at auction or at public sale of any goods, wares, merchandise or property belonging to the United States of America, or the state, or the county, or the city, or any governmental agency, or for any sale conducted under or by virtue of, or pursuant to the authority of any process issued out of or by any duly constituted city, county, state or federal court, commission or body, or for the bona fide sale of the household goods, livestock, or farming implements of the owner thereof at the domicile of such owner, or of the assets of the estate of a decedent, or to the sale by the owner thereof of the real or personal property upon which his or her home, domicile or business license under this chapter is located; and the provisions of this section further shall not apply to the selling, or offering for sale of a bankrupt stock of goods, wares, merchandise or property of any kind, transported into the city for the purpose of sale pursuant to the order of any duly constituted city, county, state, or federal court, body, board or tribunal. (Ord. 6061 § 1, 1980; Ord. 6040 § 18, 1967)

5.08.050 Automobile wrecking yard.
The license tax for commencing or conducting an automobile wrecking yard, or any yard where automobiles or other vehicles are torn down, broken up or otherwise taken apart for the salvaging of a part thereof is $100.00 per year, subject to special permit from the council to be first obtained. It is provided, however, that any license under this section shall not permit the licensee to sell or assemble used motor vehicles if the sale or assembly of such used motor vehicles is covered and regulated by other ordinance provisions of the city, and the persons engaged in such business must qualify for a license and pay the fees prescribed for such type of business according to such provisions. (Ord. 6040 § 19, 1967)

5.08.060 Athletic events, shows and similar events.
A. Every person desiring to engage in or commence the business of conducting an athletic event, show, circus, game, or similar exhibition or event shall first obtain permission therefor from the city council. The permission may be upon such conditions as the city council may impose and shall be revocable by the city council at any time.

B. After first having obtained such a permit, persons engaged in said businesses shall pay a license tax of $125.00 for the first day, $100.00 for the second day and $75.00 for each day thereafter.

C. Anything contained in this chapter to be contrary notwithstanding, persons conducting legitimate theatrical or operatic performances, not as an incident to another business licensed under this chapter shall pay a license tax of $15.00 per day of performance. (Ord. 6040 § 20, 1967)

5.08.070 Contractors, subcontractors and sign painters.
Any person who engages with the owner or lessee or other person in possession of a lot or parcel of land or building, for the erection, construction or repair of any building or structure in the city, or for the doing of any plumbing, wiring, heating, air conditioning, drainage, irrigation, brick laying, cement work, sewer work, painting, tile work, carpenter work, lathing, plastering, roofing, shingling, sign painting, sign erecting, sign maintaining, landscaping or any other work in connection with any of the building trades, whether the same be by contract at a fixed price, or upon the cost of material and labor basis, or upon the cost of construction plus a percentage thereof basis, shall pay a fee as follows:

A. General contractors, $80.00 per year;
B. Subcontractors, $60.00 per year;
C. Sign painters who paint and maintain or erect signs, $30.00 per year.
Contractors, subcontractors and sign painters who do not maintain a regularly established place of business with the city, shall pay the same license tax as would be charged to contractors, subcontractors or sign painters respectively, whose regularly established places of business are located within the city.

Such license fee for contractors, subcontractors and sign painters shall be paid in full for the full taxable year, whenever issued. (Ord. NS-68 § 2, 1989; Ord. 6040 § 21, 1967)

5.08.080 Home occupations.
Persons engaged in occupations in their home shall pay license fees in accordance with the license fees provided for the types of businesses conducted notwithstanding the limited use permitted in such cases. (Ord. 6040 § 22, 1967)

5.08.090 Junk.
The license tax for junk business, junk dealer or junk collector is $100.00 per year, subject to a special permit from the city council to be first obtained. (Ord. 6040 § 23, 1967)

5.08.100 Motion picture taking (commercial).
The license tax for the taking of motion pictures, shots or scenes for commercial purposes, or for commercial use, or in connection with the production for commercial purposes of any motion picture play or production is $30.00 for the first day and $10.00 per day thereafter, when private property exclusively is used, and $100.00 for the first day and $50.00 for each day thereafter when public property is used. (Ord. NS-68 § 3, 1989; Ord. 6040 § 24, 1967)

5.08.110 Oil wells.
The license tax for oil and petroleum product production from any well is $180.00 per well per year (minimum), which shall cover the first 18,000 or fewer barrels produced from such well, and shall be paid at the beginning of the license period, and in addition thereto, payable within 15 days after the close of each license year, shall be the sum of one cent per barrel for each barrel in excess of 18,000 barrels produced from such well during such year. In the event of abandonment of any well such additional amount shall be paid within 15 days after production from such well is finally stopped. A separate license must be procured and a separate license fee paid for each such well. Each such license shall be subject to a special permit from the council to be first obtained. Such special permit must be obtained for each oil or gas well or other hydrocarbon substance well, notwithstanding any variance for the development of natural resources which may have been granted under the zoning ordinance or land use regulations of that city. Such special permits shall contain such provisions and shall be subject to such terms and conditions as the city council in the exercise of its discretion may promulgate, prescribe or impose; provided, however, that the permit fee for each such permit shall be the sum of $1,000.00 which shall be paid at or before the time of the issuance of such permit. Each such permit shall be valid for the particular well covered thereby until the same expires, or is forfeited, canceled or revoked according to its terms, conditions or provisions. (Ord. 6040 § 25, 1967)

5.08.120 Pawnbrokers.
Any person engaging in the business of being a pawnbroker shall pay a business license fee of $150.00 per year and obtain a pawnbroker license from the chief of police. (Ord. CS-027 § 1, 2009; Ord. 6040 § 26, 1967)

5.08.130 Public utility.
The license tax for a public utility not having a written franchise whereby the city obtains money shall be as follows:

A. Transportation utility, $48.00 per year per vehicle used;
5.08.140

B. Public utilities other than transportation, which do not have a written franchise shall pay a license fee of $100.00 per year. (Ord. 6040 § 27, 1967)

5.08.140 Taxicabs.*
The fee for taxicabs shall be $25.00 per cab per year, plus $100.00 per street or alley stand per year. (Ord. 6040 § 28, 1967)

* See also Chapter 5.20 of this code.

5.08.150 Vending machines—Amusement and skill machines and related devices.
Any person who causes or allows a coin-operated vending machine to be kept, maintained or operated in or about the person’s place of business by another person shall include any proceeds to the business derived from the machines in the gross receipts from the business for business license tax purposes. In addition, such person shall furnish the license collector with the name and address of the person, or persons, who owns, rents, leases, operates, maintains or services the machines. (Ord. 6061 § 1, 1980; Ord. 6049 § 4, 1973; Ord. 6040 § 29, 1967)

5.08.160 Professional licenses.
Each person engaged in the rendering of professional or semiprofessional services for compensation shall pay the sum of $50.00 per year per person so engaged. The professional or semiprofessional services shall include but not be limited to these: Appraiser, chiropodist, optician, orthopedist, pathologist, radiologist, surveyor, osteopath, doctor of veterinary medicine, chemist, chiropractor, physiotherapist, optometrist, bacteriologist, accountant, engineer, architect, attorney, dentist, physician, surgeon, oculist, real estate broker, dental technician, and fortuneteller. (Ord. 6077 § 4, 1985; Ord. 6040 § 30, 1967)

5.08.170 Billiards, pool, ping-pong and related games.
The license tax for a billiard room or poolroom, ping-pong parlor, skeeball alley or other similar game, device or business other than coin operated is $25.00 per year for each table, alley or device; provided, however, that the foregoing rate shall not include or authorize the sale of any goods, wares or merchandise in connection with the conducting of any such game or business. (Ord. NS-68 § 4, 1989; Ord. 6040 § 31, 1967)

5.08.180 Private police patrols or private watch service.
The license tax for private police patrols or private watch service is $30.00 per year. (Ord. NS-68 § 5, 1989; Ord. 6054 § 1, 1975; Ord. 6040 § 32, 1967)

5.08.190 Wheel tax.
With the exception of intercity transportation business licensed under the Highway Carriers’ Uniform Business License Tax Act, every person who does not have a regularly established place of business within the city, who conducts business within the city through the use of a motor vehicle or vehicles, shall pay an annual license tax as follows:

A. At retail, the license tax for the first vehicle shall be according to the following schedule, and for each additional vehicle used within the city, the license tax shall be three-fifths of the rate for the first vehicle:

<table>
<thead>
<tr>
<th>Service</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lunch wagon and catering service</td>
<td>$80.00</td>
</tr>
<tr>
<td>Bread and bakery supplies</td>
<td>$80.00</td>
</tr>
<tr>
<td>Concrete or road mix</td>
<td>$100.00</td>
</tr>
<tr>
<td>Dairy and ice cream</td>
<td>$80.00</td>
</tr>
<tr>
<td>Dry cleaning</td>
<td>$100.00</td>
</tr>
<tr>
<td>Laundry</td>
<td>$100.00</td>
</tr>
<tr>
<td>Service</td>
<td>Charge</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Linen service</td>
<td>$20.00</td>
</tr>
<tr>
<td>Meat distributor</td>
<td>$80.00</td>
</tr>
<tr>
<td>Petroleum products (home delivery)</td>
<td>$20.00</td>
</tr>
<tr>
<td>Retail bottled water supply</td>
<td>$80.00</td>
</tr>
<tr>
<td>Rock and sand</td>
<td>$100.00</td>
</tr>
<tr>
<td>Transfer or delivery service</td>
<td>$20.00</td>
</tr>
<tr>
<td>Water softener service</td>
<td>$100.00</td>
</tr>
<tr>
<td>Other businesses not herein specified</td>
<td>$40.00</td>
</tr>
</tbody>
</table>

B. At wholesale, the license tax shall be $20.00 for the first vehicle, and $12.00 for each additional vehicle used within the city, plus two dollars for each employee performing work within the city. (Ord. 6042 § 2, 1971; Ord. 6040 § 33, 1967)
Chapter 5.09

ADDITIONAL LICENSE TAX ON NEW CONSTRUCTION

Sections:
5.09.010 Purpose and intent.
5.09.020 Definitions.
5.09.030 Imposition of tax—Amount.
5.09.040 Credit.
5.09.050 Time and place of payment.
5.09.060 Refunds.
5.09.070 Disposition of proceeds.
5.09.080 Exceptions.
5.09.090 Exemptions.
5.09.100 Construction prohibited.
5.09.110 Tax liability—Enforcement.
5.09.120 Effective date.
5.09.130 Effective date of increased tax.

5.09.010 Purpose and intent.
The city council declares that the license taxes required to be paid hereby are assessed pursuant to Section 37101 of the Government Code of the State of California and the taxing power of the city and solely for the purpose of producing revenue. This chapter is not adopted for regulatory purposes. The continued development of the city, with the consequent increase in population and in the use of public facilities, has imposed increased requirements for such facilities, including but not limited to parks, major streets, traffic signals, storm drains, bridges and public buildings (such as fire stations, police facilities, maintenance facilities, libraries and general offices). The necessity for such facilities results from new construction. The need for such facilities cannot be met from existing city revenues. The most practical and equitable method of raising city revenue is to impose a tax upon new construction in the city. (Ord. 6067 § 1, 1982)

5.09.020 Definitions.
For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Mobile home space” means each space, area or building, in a trailer park or mobile home park or other place, designed or intended as a place to accommodate any mobile home, trailer, van, bus or other vehicle or mobile structure, at a time when the same is being used as living or sleeping quarters for human beings.

“Person” includes every individual, firm, partnership, joint venture, association, trust, corporation or any other group engaging in construction activities itself or through the services of any employee, agent or independent contractor. (Ord. 6067 § 1, 1982)

5.09.030 Imposition of tax—Amount.
A. In addition to any other fee, license or tax required by this code, every person constructing or causing to be constructed or erected any building or structure in the city for which a building permit is required, shall pay a license tax in the amount of 3.5 percent of the valuation of the building or structure established pursuant to this code for determining the building permit fee.

B. The developer of a mobile home park shall pay a license tax fee of $1,150.00 for each mobile home space. The license tax for mobile home spaces shall be automatically increased or decreased on January 1st of each year by the same percentage as the percentage of increase or decrease in construction costs between December 1st of each of the two immediately preceding years, for which pur-
pose construction costs and the increase or decrease therein shall be based on the Engineering News Record Construction Cost Index.

C. For the alteration of or addition to residential structures or mobile home parks, the license tax shall be computed only on the valuation of additional dwelling units or mobile home spaces, if any, resulting from the alteration or addition.

D. For additions to structures, other than residential structures, the tax shall be calculated on the value of the addition only.

E. For the alteration of structures, other than residential structures, the tax shall be calculated on the value added by the alteration. The tax shall be imposed upon alterations only where the alteration changes the use potential for the structure, results in the ability to accommodate a more intense operation of the existing use, or results in making the structure suitable for occupancy or use pursuant to the building code. (Ord. CS-186 § 5, 2012; Ord. CS-154 § 5, 2011; Ord. CS-094 § 5, 2010; Ord. CS-041 § 5, 2009; Ord. 6082 § 1, 1987; Ord. 6078 § 1, 1986; Ord. 6072 § 1, 1983; Ord. 6067 § 1, 1982)

5.09.040 Credit.
A credit toward the license tax imposed by this chapter shall be given if:

A. A public facilities fee has been paid pursuant to council policy number 17 in satisfaction of an obligation under a public facilities fee agreement for the building or structure. The amount of the credit shall be the amount of the fee paid. For purposes of this section, the payment of a public facilities fee shall be deemed to include any applicable credits against such fee from community facilities district number one;

B. The property is subject to taxation under the communities facilities district number one amount of the credit shall be determined by the city council and established by resolution. (Ord. NS-156 § 1, 1991; Ord. 6067 § 1, 1982)

5.09.050 Time and place of payment.
The license taxes imposed pursuant to Section 5.09.030 shall be due and payable at the Office of the Community and Economic Development Director, City Hall, Carlsbad, California, upon issuance of the building permit. The tax for a mobile home space shall be paid prior to the issuance of the first permit for the construction of such space or if such construction is performed without a permit, at the time when construction is commenced.

No permit shall be issued until the tax is paid. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 6067 § 1, 1982)

5.09.060 Refunds.
If a permit for construction work expires or if such permit is revoked and if within 30 days following the expiration or revocation date of the permit the permittee files written application for a refund in the office of the city clerk, there shall be a refund of the entire tax paid. There shall be no refund if any construction work has been performed nor shall there be any partial refund. In the event of a refund, it is unlawful for any person to proceed in any way with further construction without first applying for another building permit and paying the tax imposed by this chapter. If no refund is made and a permit expires after work has been performed, a new building permit shall be required and the tax imposed by this chapter shall be paid; provided, however, a credit shall be given not to exceed the tax paid in connection with the expired permit. (Ord. 6067 § 1, 1982)

5.09.070 Disposition of proceeds.
Funds from this tax shall be placed in the general fund and shall be available for general governmental purposes. Decisions on the expenditure of such funds shall be made by the city council in the context of ap-
5.09.080

proval of the city’s annual operating and capital improvements budget or at such other time as the council may direct. (Ord. 6067 § 1, 1982)

5.09.080 Exceptions.
There is excepted from the tax imposed by this chapter, the following:
A. The construction of a building or structure or mobile home space which is a replacement for a building or space being removed from the same lot or parcel of land. The exception shall equal but not exceed the tax which would be payable hereunder if the building being replaced were being newly constructed. If the tax imposed on the new building exceeds the amount of this exception, such excess shall be paid;
B. Accessory buildings or structures in mobile home parks, such as a club house, swimming pool, or laundry facilities;
C. Buildings or structures which are clearly accessory to an existing use such as fences, pools, patios and automobile garages;
D. Additions to existing single-family or two-family residential structures, provided the addition does not create a new dwelling unit or economy dwelling unit as defined by the Uniform Building Code;
E. The city council may grant an exception for a low cost housing project where the city council finds such project consistent with the housing element of the general plan and that such exception is necessary. In approving an exception for low cost housing, the city council may attach conditions, including limitations on rent or income levels of tenants. If the city council finds a project is not being operated as a low cost housing project in accordance with all applicable conditions, the tax, which would otherwise be imposed by this chapter, shall immediately become due and payable. (Ord. 6067 § 1, 1982)

5.09.090 Exemptions.
There is excluded from the tax imposed by this chapter:
A. Any person when imposition of such tax upon that person would be in violation of the Constitution and laws of the United States or the State of California;
B. The construction of any building by a nonprofit corporation exclusively for religious, educational, hospital or charitable purposes;
C. The construction of any building by the City of Carlsbad, the United States or any department or agency thereof or by the State of California or any department, agency or political subdivision thereof. (Ord. 6067 § 1, 1982)

5.09.100 Construction prohibited.
It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, make, put together or convert any building or structure in the city, or attempt to do so, or cause the same to be done, without first paying the tax imposed by this chapter. (Ord. 6067 § 1, 1982)

5.09.110 Tax liability—Enforcement.
The taxes imposed by this chapter are due from the person by or on behalf of whom a residential, industrial or commercial building or mobile home space is constructed, whether such person is the owner or a lessee of the land upon which the construction is to occur. The community and economic development director shall collect the tax due hereunder. The full amount due under this chapter shall constitute a debt to the city. An action for the collection thereof may be commenced in the name of the city in any court having jurisdiction of the cause.
The city manager shall be responsible for the administration and enforcement of this chapter. The city manager’s decisions may be appealed to the city council whose decision shall be final. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 6067 § 1, 1982)

5.09.120 Effective date.
The taxes imposed by this chapter shall be applicable with respect to building permits for construction activities, issued on or after November 3, 1987, provided any person constructing one or more dwelling units, or otherwise engaging in construction taxable hereunder, pursuant to a building permit applied for before July 28, 1987, but not actually issued until on or after the date, shall not be liable for payment of the tax provided such person has obtained all other discretionary approvals required for the project, has had the application accepted as complete, paid the plan check fee, and who obtains the permit applied for within 180 days of the date the application was accepted and diligently pursues the project to completion. (Ord. 6082 § 1, 1987; Ord. 6067 § 1, 1982)

5.09.130 Effective date of increased tax.
The increased tax adopted by Ordinance No. 6078 shall apply to all projects for which building permits were issued after January 21, 1986. In those instances where building permits were issued after January 21, 1986, and before the effective date of this ordinance, the increased tax shall be due and owing upon the effective date of this ordinance. This section is adopted to implement city Ordinance No. 9791. (Ord. 6078 § 2, 1986)
Chapter 5.10

BINGO

Sections:
5.10.010 Bingo authorized.
5.10.020 Definitions.
5.10.030 License required.
5.10.040 Term of license.
5.10.050 Application.
5.10.060 License fee.
5.10.070 Application investigation.
5.10.080 License not transferable.
5.10.090 Limitations.
5.10.100 Inspection.
5.10.110 Application denial—License suspension or revocation.
5.10.120 Appeal procedure.
5.10.130 Violations and penalties.

5.10.010 Bingo authorized.
This chapter is adopted pursuant to Section 19 of Article IV of the California Constitution and Section 326.5 of the California Penal Code in order to make the game of bingo lawful under the terms and conditions in the following sections of this chapter. (Ord. 1194 § 1, 1976)

5.10.020 Definitions.
Whenever in this chapter the following terms are used they shall have the meanings respectively ascribed to them in this section:

“Bingo” is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

“Licensee” is a nonprofit, charitable organization to which the license collector has issued a license to conduct bingo games pursuant to this chapter.

“Minor” is any person under the age of 18 years.

“Nonprofit, charitable organization” is an organization exempted from the payment of the bank and corporation tax by Section 23701(d) of the Revenue and Taxation Code, Mobile Home Park Associations, Senior Citizens Organization; and Veterans Organizations which are exempted from the payment of the bank and corporation tax by Sections 23701(b), 23701(e), 23701(f), 23701(g) or 23701(l) of the Revenue and Taxation Code. (Ord. 6061 § 1, 1980; Ord. 1208 § 1, 1978; Ord. 1204 § 1, 1977; Ord. 1194 § 1, 1976)

5.10.030 License required.
It is unlawful for any person to conduct any bingo game in the city unless such person is a member of a nonprofit, charitable organization, acting on behalf of such organization, and has a valid license issued pursuant to this chapter. (Ord. 1194 § 1, 1976)

5.10.040 Term of license.
The term of a bingo license is one year and may be renewed for successive periods of one year each if application therefor is made prior to expiration of the preceding license. (Ord. 1228 § 1, 1980; Ord. 1194 § 1, 1976)
5.10.050 Application.
Application for a bingo license shall be made to the license collector on forms prescribed by the license collector, and shall be filed not less than 20 days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant at least the following:

A. A list of all members of the nonprofit, charitable organization who will operate the bingo game, including full names of each such member, date of birth, place of birth, physical description and driver's license number;
B. The date and place of the proposed bingo game or games;
C. Proof that the organization is a nonprofit, charitable organization as defined by this chapter. (Ord. 6061 § 1, 1980; Ord. 1194 § 1, 1976)

5.10.060 License fee.
The fee for a bingo license shall be $50.00. The fee for a renewal license shall be $50.00. The appropriate fee shall be paid at the time of submission of each application for a license or renewal and shall be used to defray the cost of issuance of a license. If a license is denied, one-half the fee shall be refunded to the applicant. (Ord. 1228 § 2, 1980; Ord. 1204 § 2, 1977; Ord. 1194 § 1, 1976)

5.10.070 Application investigation.
A. Upon receipt of an application for a license the license collector may send copies of such application to any office or department which the license collector deems essential in order to carry out a proper investigation of the applicant.
B. The license collector and every officer and department to which an application is referred shall investigate the truth of the matters set forth in the application, the nature of the applicant, the membership in the organization of the persons to operate the games, and may examine the premises to be used for the bingo game. If the license collector is satisfied the requirements of this chapter are and will be met, the application shall be approved, and the license collector shall issue the license. (Ord. 6061 § 1, 1980; Ord. 1194 § 1, 1976)

5.10.080 License not transferable.
Each license issued under this chapter shall be issued to a specific person on behalf of a specific nonprofit, charitable organization to conduct bingo games at a specific location and shall in no event be transferable from one person to another nor from one location to another. (Ord. 1194 § 1, 1976)

5.10.090 Limitations.
A. A nonprofit, charitable organization shall conduct a bingo game only on property owned, leased or donated to the organization for use by it, and used by it for an office or for the performance of the purposes for which the organization is organized. Nothing in this subsection shall be construed to require that the property owned, leased, or donated to the organization for use by the organization be used or leased exclusively by, or donated exclusively to, such organization.
B. No minors shall be allowed to participate in any bingo game.
C. All bingo games shall be open to the public, not just to the members of the nonprofit, charitable organization.
D. A bingo game shall be operated and staffed only by members of the nonprofit, charitable organization which organized it and obtained the license. Such members shall be limited to those set forth in the most recent application for a license or renewal as approved by the license collector, and shall not receive a profit, wage or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision or any other phase of
such games. This subdivision does not preclude the employment of security personnel by the organization.

E. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

F. With respect to organizations exempted from payment of the bank and corporation tax by Section 23701(d) of the Revenue and Taxation Code, all profits derived from the bingo games shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by business organizations not within the scope of the first sentence of this subsection. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes;
2. A portion of such proceeds, not to exceed 20% of the proceeds before deduction for prizes, or $1,000.00 per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel;
3. Such proceeds may be used to pay the license fees required by this chapter.

On or before the 15th of each month the licensee shall file with the license collector a full and complete financial statement on a form to be approved by the license collector of all moneys collected, disbursed and the amount remaining for charitable purposes as a result of all bingo games conducted during the preceding month.

G. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

H. The total value of prizes awarded during the conduct of any bingo games shall not exceed $250.00 in cash or kind, or both, for each separate game which is held.

I. No bingo game shall be conducted between the hours of midnight and 8:00 a.m. (Ord. 6068 § 2, 1983; Ord. 6061 § 1, 1980; Ord. 1228 § 3, 1980; Ord. 1208 § 2, 1978; Ord. 1204 § 3, 1977; Ord. 1194 § 1, 1976)

5.10.100 Inspection.
The license collector, license inspector and any peace officer of the city shall have free access to the premises in which any bingo game licensed under this chapter is conducted. The licensee shall have the bingo license and list of approved staff available for inspection at all times during any bingo game. (Ord. 1194 § 1, 1976)

5.10.110 Application denial—License suspension or revocation.
A. The license collector may deny any application for a bingo license, or suspend or revoke a license, if the license collector finds the applicant or licensee or any agent or representative thereof has:

1. Knowingly made any false, misleading or fraudulent statements of a material fact in the application or in any record or report required to be filed pursuant to this chapter;
2. Violated any of the provisions of this chapter.

B. If after investigation the license collector determines that a bingo license should be suspended or revoked or an application for such license denied, the license collector shall prepare a notice of suspension, revocation or denial of the application setting forth the reasons for such suspension, revocation or denial of application. Such notice shall be sent by certified mail to the applicant's last address provided in the application or be personally delivered. Any person who has had an application for a bingo li-
License denied by the license collector, or who has had a bingo license suspended or revoked by the license collector, may appeal the license collector’s decision in the manner provided in Section 5.10.120. (Ord. 6061 § 1, 1980; Ord. 1194 § 1, 1976)

5.10.120 Appeal procedure.
Whenever an appeal is provided for in this chapter, such appeal shall be filed and conducted as prescribed in this section.

A. Within 15 calendar days after the date of any suspension, revocation or denial or other decision of the license collector, an aggrieved party may appeal such action by filing with the license collector a written appeal briefly setting forth the reasons why such suspension, revocation or denial or other decision is not proper;

B. Upon receipt of such written appeal, the license collector shall set the matter for hearing before the city council within 30 days. At least 10 calendar days prior to the date of the hearing on the appeal the license collector shall notify the appellant of the date and place of the hearing. At such hearing the license collector and the appellant may present evidence relevant to the suspension, revocation or denial or other decision of the license collector. The city council shall receive evidence and shall rule on the admissibility of evidence and on questions of law. The formal rules of evidence applicable in a court of law shall not apply to such hearing;

C. At the conclusion of the hearing, the city council may uphold the suspension, revocation or denial or other decision of the license collector, or the city council may reinstate that which has been suspended or revoked, or allow that which has been denied, or modify or reverse any other license collector’s decision which is the subject of the appeal. The city council’s decision shall be final. (Ord. 6061 § 1, 1980; Ord. 1194 § 1, 1976)

5.10.130 Violations and penalties.
A. It is a misdemeanor for any person to receive a profit, wage or salary from any bingo game authorized by this chapter. A violation of this subsection shall be punishable by a fine not to exceed $10,000.00 which fine shall be deposited in the general fund of the city.

B. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, other than subsection A of this section, is guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed $500.00 or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment. All sanctions provided herein shall be cumulative and not exclusive. (Ord. 1194 § 1, 1976)
5.12.010 Definition.
For the purposes of this chapter, a "cardroom" is defined to be any space, room, collection of rooms or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games. (Ord. 6083 § 2, 1988)

5.12.020 Cardrooms prohibited.
It is unlawful for any person to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted any cardroom in the city for the purpose of playing cards or games of chance where cards are used for money, profit, barter or where other consideration exchanges hands. This is not intended to prohibit the recreational playing of cards in single-family homes where no consideration passes to the owner of such single-family residence by virtue of such recreational playing. (Ord. 6083 § 2, 1988)

5.12.025 Exceptions.
This chapter shall not apply to the lawful playing of card games at the Carlsbad Senior Center at such times and under such reasonable rules and regulations as established by the city manager. (Ord. NS-193 § 1, 1992)

5.12.030 Existing lawful use of cardrooms excepted.
Cardrooms lawfully existing on the date of the passage of the ordinance codified in this chapter, may continue to exist provided they shall not be altered, improved, reconstructed, restored, repaired, intensified, expanded or extended. In addition, existing cardrooms shall comply with the following requirements. (Ord. 6083 § 2, 1988)
5.12.040 Work permit requirements.
Employees in cardrooms must obtain a work permit from the chief of police. Applications for such work permits shall be submitted under oath and contain such information as may be deemed by the chief of police necessary to determine whether the applicant is a proper person to be employed in a cardroom.

No work permit shall be issued to any person who is not a citizen of the United States and who has not been a resident of the county for at least one year. The chief of police may deny to such applicant a work permit if, in the chief’s opinion, good cause appears why such person should not be permitted to be employed in a cardroom. Each application for work permit shall be accompanied by a fee of $10.00 and the work permit when issued shall be valid for one year. (Ord. 6083 § 2, 1988)

5.12.050 Revocation or suspension of license or permit—Appeal.
The chief of police shall have the right for cause to revoke or suspend any cardroom license or cardroom work permit issued under this chapter and take possession of such license or permit. The action of the chief of police in this respect shall be subject to an appeal to the city council. Notice of such appeal shall be filed with the license collector within 10 days; otherwise the action of the chief of police in revoking or suspending the cardroom license or cardroom work permit shall be final and conclusive. (Ord. 6083 § 2, 1988)

5.12.060 Licenses—Number per person, assignment and transfer.
Only One License to One Person; Assignment or Transfer of License. No person shall be granted a license to conduct more than one cardroom. No cardroom license shall be assignable or transferable. Once a licensee under this chapter establishes a cardroom at a specific location, he or she may not thereafter move such cardroom business to another location. Any license issued under this chapter shall automatically become revoked upon the occurrence of any of the following conditions:

A. If after the issuance of a license, the licensee does not begin operation of a cardroom within six months from the date of issuance. The licensee under this chapter may, upon written application to the city council therefor, be granted one additional six-month period within which to begin operation of a cardroom;

B. If, after the beginning of a cardroom, the licensee ceases operation of his or her cardroom for a period of 30 days or longer. (Ord. 6083 § 2, 1988)

5.12.070 Rules and regulations.
It is unlawful to operate a cardroom in violation of any of the following regulations and rules:

A. Not more than one cardroom shall be located at any one address. On and after the 30th day after the effective date of this chapter, all licenses to operate cardrooms in the city, issued before that time, shall be null and void and of no further force and effect;

B. No game except pinochle, low-ball draw poker, draw poker, panguingue, without variation as defined by Hoyle, contract or auction bridge, shall be played in any cardroom;

C. Not more than five tables shall be permitted in any cardroom;

D. Not more than eight players shall be permitted to any one card table;

E. No minor shall be permitted at any card table, or to participate in any game played thereat;

F. All cardrooms shall be closed at 2:00 a.m. and shall remain closed until 10:00 a.m. of every day;

G. All cardrooms shall be open to police inspection during all hours of operation. (Ord. 6083 § 2, 1988)

5.12.080 Alcoholic beverages prohibited.
No alcoholic liquor or beverage shall be served, consumed, sold or given away in any cardroom, and no cardroom shall have an entrance leading to any establishment which serves or sells intoxicating liquor. (Ord. 6083 § 2, 1988)
5.12.090 Rates.
No charge in excess of the following rates shall be assessed for the privilege of participating in the following games:
A. Pinochle: 20 cents per game and 15 cents per set;
B. Low-ball and draw poker: Five percent of each pot;
C. Bridge: 60 cents per hour per player. (Ord. 6083 § 2, 1988)

5.12.100 Limit on table stakes.
No player shall be permitted to make any bet in excess of $20.00 or bet more than $100.00 in any one hand and shall in any event be limited to betting the amount of money then on the table belonging to the player. (Ord. 6083 § 2, 1988)

5.12.110 Cashing of bank checks.
The cashing of bank checks for players shall not be permitted in any cardroom. (Ord. 6083 § 2, 1988)

5.12.120 Supervision—Identification badges of employees.
All card tables shall be supervised by the operator or his/her employees, who may at their discretion refuse any individual the right to participate. They shall see to it that it is operated strictly in accordance with the terms of this chapter, and with the provisions of the Penal Code of the state. Every operator and employee of an operator of a cardroom licensed under this chapter shall at all times when on duty in such cardroom wear an identification badge containing his or her photograph, together with the name, age, address and description of such individual. (Ord. 6083 § 2, 1988)

5.12.130 Exterior signs.
No signs or other insignia advertising or relative to cardrooms shall be permitted upon the exterior of any premises occupied as a cardroom, except the word "cardroom" and the name of the operator thereof. Such a sign shall be flush with the building, and shall not be more than one and one-half feet by six feet in size. (Ord. 6083 § 2, 1988)

5.12.140 Interior signs.
There shall be posted in every cardroom in letters plainly visible from all parts thereof, signs stating that only draw poker, pinochle or bridge is permitted to be played and stating the charge exacted for the privilege of playing. (Ord. 6083 § 2, 1988)

5.12.150 Monthly collections by city.
There shall be collected for each card table where the game of poker is played during any portion of the license period the sum of $30.00 per table per month, or portion thereof, payable quarterly in advance. There shall be collected for each table licensed under this chapter where any other permitted games than poker are played the sum of five dollars per table per month, or portion thereof, payable quarterly in advance. In addition to the above amounts, there shall be an additional license fee based upon total monthly gross revenue of the cardroom so licensed, according to the following schedule:

<table>
<thead>
<tr>
<th>Total Monthly Gross Cardroom Revenue</th>
<th>Monthly Fee Based on the Following Percentage of Total Monthly Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250,000 or less</td>
<td>7.0%</td>
</tr>
<tr>
<td>$250,001 but less than $500,000</td>
<td>8.0%</td>
</tr>
<tr>
<td>$500,000 and over</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

(Ord. 6083 § 2, 1988)
5.12.160 **Scope of chapter.**
The council declares that it is not the intention of this chapter to license any cardroom for the playing of any game prohibited by the laws of this state and particularly those games enumerated in Section 330 of the Penal Code of the state. (Ord. 6083 § 2, 1988)

5.12.170 **Violations.**
It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person violating any of the provisions or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00 or by imprisonment in the county jail for a period not exceeding six months, or by both. (Ord. 6083 § 2, 1988)
5.16.010 Purpose and intent.

It is the purpose and intent of the city council that this chapter relies upon California Business and Professions Code Chapter 10.5 of Division 2, as it may be amended, to provide for the orderly and consistent regulation of massage services, to enable consumers to identify legitimate massage workers and businesses, and additionally to establish minimum health and safety standards, thus protecting the public interest, health, safety and welfare of the city. (Ord. CS-234 § 2, 2013)

5.16.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

“Applicant” means an applicant for a certificate of registration—individual or business, and each of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

“California Massage Therapy Council” or “CAMTC” means the massage therapy organization formed pursuant to California Business and Professions Code Section 4600, and following, as amended.
“CAMTC identification cards” or “identification cards” means the cards issued by CAMTC to a certified massage practitioner.

“Certificate administrator” means the city manager’s designee for promulgating rules, regulations, and requirements consistent with the provisions of this section and all other law in connection with the issuance of a certificate of registration.

“Certificate of registration—business” means a certificate issued by the certificate administrator upon submission of satisfactory evidence as required that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing valid and current state certifications and has satisfied all other requirements pursuant to the provisions of this chapter.

“Certificate of registration—individual” means a certificate issued by the certificate administrator upon submission of satisfactory evidence that a massage practitioner or therapist has a valid and current state certification and has satisfied all other requirements pursuant to the provisions of this chapter.

“Certified massage business” means any business where the only persons employed or used by that business to provide massage services have current and valid state certifications.

“Certified massage practitioner” means any person holding a current and valid state certificate issued by the CAMTC (pursuant to California Business and Professions Code Sections 4600, and following, as amended), whether as a massage practitioner or massage therapist, as defined therein.

“Certified sole proprietorship” means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid unconditional state certification.

“City” means the City of Carlsbad.

“Massage” means any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of consideration (whether for the massage, as part of a membership, as part of other services or a product, or otherwise) by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

“Owner” or “operator” means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

“Registered certificate holder” means a person or business that has been issued a certificate of registration by the certificate administrator.

“State certification,” “state certificate,” or “state certified” means a valid and current certification properly issued by CAMTC (pursuant to California Business and Professions Code Sections 4600, et seq., as amended) to a certified massage practitioner. (Ord. CS-234 § 2, 2013)

5.16.030 Authority.
The certificate administrator shall have the power and authority to promulgate rules, regulations, and requirements consistent with provisions of this chapter and other law in connection with the issuance of a certificate of registration. The certificate administrator may designate an employee to make decisions and investigations and take actions under this chapter. (Ord. CS-234 § 2, 2013)
5.16.040 State certification and city certificate of registration required.
A. It is unlawful for any individual to administer massage in exchange for compensation or consideration of any type within the city unless that individual is a CAMTC certified massage practitioner.
B. It is unlawful for any massage business within the city to provide or allow any form of massage to be administered unless all individuals employed by the massage business to administer massage, whether as an employee or independent contractor, are CAMTC certified massage practitioners.
C. It is unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in or upon any premises within the city, the operation of a massage establishment or to allow any person to administer massage or function as a certified massage practitioner, unless a current and valid certificate of registration has been issued for that massage business pursuant to this chapter. (Ord. CS-234 § 2, 2013)

5.16.045 Compliance period.
A. Within six months of the effective date this ordinance, any business that is operating in the city with a current and valid city massage business license and is otherwise subject to this chapter, shall submit an application for a certificate of registration pursuant to the provisions of this chapter.
B. Within six months of the effective date of this ordinance, any person who possesses a current and valid city license as a holistic health practitioner or massage technician and is otherwise subject to this chapter, shall submit an application for a certificate of registration pursuant to the provisions of this chapter.
C. Massage businesses, massage technicians and holistic health providers that are subject to the requirements of this chapter, and that have a current and valid city massage business license and that have submitted a complete application for certificate of registration in accordance with this chapter may continue to operate while the certificate of registration application is processed.
D. Massage businesses, massage technicians and holistic health providers that are subject to the requirements of this chapter, and that have a current and valid city massage business license or a current and valid city massage technician or holistic health practitioner license, issued pursuant to former Carlsbad Municipal Code Section 5.16.030 or 5.16.190, on the effective date of this ordinance shall be entitled to receive a prorated refund of the city massage license fee for the remaining portion of the license period. All requests for refunds shall be made in writing within six months of the effective date of this ordinance and will be paid to the licensee within 60 days of the request. All requests for refunds shall be directed to business licensing. (Ord. CS-234 § 2, 2013)

5.16.050 Certified massage business—Certificate of registration required.
A. A certificate of registration application shall be filed on forms provided by the certificate administrator, submitted under penalty of perjury and shall contain all of the following information:
   1. State Certification Verification.
      a. If a certified sole proprietorship, the applicant/owner shall produce a valid and current state certification and a valid and current CAMTC identification card.
      b. If a certified massage business other than a certified sole proprietorship, the applicant/owners shall produce:
         i. A valid and current state certification; and
         ii. A valid and current CAMTC identification card; and
         iii. A statement that the certified massage business shall employ only certified massage practitioners along with copies of valid and current state certificates for all certified massage practitioners employed or who will be employed by the massage business and copies of their current and valid CAMTC identification cards.
c. The certificate administrator may require the applicant/owner of a certified sole proprietorship or a certified massage business to produce a valid and current California driver's license and/or identification card issued by a state governmental agency.

d. The certificate administrator may require the certified massage practitioners whom the applicant/owner has identified as employees to personally appear and produce valid and current state certificates, a valid and current California driver's license and/or identification card.

e. The following information shall be provided by any applicant/owner who is not state certified and who owns or will own five percent or more of the massage business:

   i. Acceptable proof that the applicant/owner is at least 18 years of age.

   ii. Full, true name, and other names used, date of birth and valid and current California driver's license or identification card issued by a state governmental agency.

   iii. One photograph provided by the applicant. The photograph must be in color, printed on photo quality paper, two by two inches in size, sized such that the head is between one inch and one and three-eighths inches from the bottom of the chin to the top of the head, taken within the last six months to reflect the applicant's current appearance, taken in front of a plain white or off-white background, and taken in full-face view directly facing the camera.

   iv. Current address and all previous residence(s) for the past 10 years, including dates at each address.

   v. Business, occupation, and employment history for 10 years preceding the date of current or proposed employment, the inclusive dates of same; the name and address of any massage business or other like establishment owned or operated by any person subject to the background check including but not limited to history, if any, with any agency, board, city, county, territory, or state; and dates of issuance, denial, restriction, revocation, or suspension, and the reasons therefor of any individual or business permit.

   vi. Fingerprints, subject to a fee to cover actual costs, to submit to the Department of Justice through LiveScan or equivalent, and may submit additional fee to cover the actual costs for subsequent arrest notice for renewal applications, to determine whether the applicant/owner has any of the following:

      (A) Convictions for any crime involving conduct which requires registration under California Penal Code Section 290 (Sex Offender Registration Act);

      (B) Convictions of violation of California Penal Code Section 653.23 (supervision of prostitute);

      (C) Convictions of violation of California Penal Code Section 647(b) or California Penal Code Section 415(3) where the original charge was for violation of California Penal Code Section 647(b);

      (D) Convictions of crimes designated in Government Code Section 51032 (massage - grounds for denial of license), or any crime involving dishonesty, fraud, deceit, violence or moral turpitude;

      (E) Injunctions for nuisances under Penal Code Section 11225-11235 (red light abatement law);

      (F) Convictions in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the referenced offenses of this subdivision;
5.16.050

(G) Conspiracy or attempt to commit any such offense described in paragraphs 
(1)(e)(i)—(v) of this subsection A.

2. General Business Information. Applicant/owner to provide all of the following:
   a. The full true name under which the massage business will be conducted. The mailing ad-
      dress for the present or proposed massage business.
   b. The present or proposed address where the massage services will be conducted.
   c. Complete description of all massage services to be provided.
   d. The name and address of any massage business or other like business owned or operated 
      by any person whose name is required to be given pursuant to this section.
   e. A description of any other business to be operated on the same premises, or on adjoining 
      premises, owned or controlled by the applicant/owner.
   f. The name and address of the owner and lessor of the real property, if any, upon or in which 
      the massage business is to be conducted.

3. Corporate Information. Applicant/owner to provide all of the following:
   a. If the applicant/owner is a corporation, the name of the corporation shall be set forth exactly 
      as shown in its articles of incorporation or charter together with the state and date of incor-
      poration and the names and residence addresses of each of its current officers and direc-
      tors, and of each stockholder holding more than five percent of the stock of that corporation, 
      and its registered agent for receipt of process.
   b. If the applicant/owner is a partnership, the application shall set forth the names and resi-
      dence address of each of the partners, including limited partners. If the applicant is a limited 
      partnership, it shall furnish a copy of its certificate of limited partnership as filed with the 
      county clerk. If one or more of the partners is a corporation, the provisions of this subsection 
      pertaining to corporate applicants shall apply to the corporate partner.
   c. The applicant/owner, corporation or partnership shall designate one of its officers or general 
      partners to act as its responsible managing officer/employee. Such person shall complete 
      and sign all application forms required of an individual applicant under this chapter. The 
      corporation’s or partnership’s responsible managing officer must, at all times, meet all of the 
      requirements set by this chapter or the corporation or partnership certificate of registration— 
      business shall be suspended until a responsible managing officer who meets such require-
      ments is designated and verified. If no such person is found within 90 days, the corporation 
      or partnership’s certificate of registration is deemed canceled and a new application for cer-
      tificate of registration must be filed.
   d. If an applicant/owner, operator, corporation, or partner owns five percent or more of the 
      massage business and is not state certified, the police department shall conduct a back-
      ground check of that owner, operator, corporation, or partner, which shall include the infor-
      mation requested in paragraphs (1)(e)(vi)(A)—(G) inclusive of this subsection A, and the 
      name and address of any massage business or other like business owned or operated by 
      any person who is subject to the background check requirement of this subdivision.

4. Authorization for the city, its agents and employees, to seek information and conduct an investi-
   gation into the truth of the statements set forth in the application and into the background of the 
   applicant/owner, where authorized by this chapter.

5. A certificate of compliance from the city’s building official (or other compliance person as desig-
   nated by the city manager) that certifies that the premises of the massage business will meet or 
   does meet all applicable codes and regulations. The certificate of compliance must be submitted 
   prior to the application approval.
6. Zoning consistency check in writing from city. A zoning consistency check does not confer or authorize any entitlement to a use permit or building permit or similar, which process, if applicable, is separate from the certificate of registration process.

7. A signed statement that the applicant/owner shall be responsible for the conduct of all employees or independent contractors working on the massage premises of the business and that failure to comply with California Business and Professions Code Section 4600, and following, with any local, state, or federal law, or with the provisions of this chapter may result in the suspension or revocation of the certificate of registration—business.

8. Payment of a registration fee, if any, as per Section 5.16.070.

B. Upon receipt of the application, the certificate administrator shall refer the application for a certificate of registration—business to other city departments for review and the building official or other designee shall inspect the massage premises, if any, proposed to be used as a massage business and shall make a written recommendation to the certificate administrator concerning compliance with the respective requirements.

C. The certificate administrator shall have 60 days, after the submission of all required information, to either issue or deny the application for a certificate of registration. For those applications that are submitted without all the required information, the certificate administrator, in his or her sole discretion, may either reject the application outright or request the applicant/owner to submit the missing information by a date certain. A rejected application, based on failure to submit all required information, shall not form the basis for a hearing as set forth in Section 5.16.200 of this chapter. (Ord. CS-234 § 2, 2013)

5.16.060 Certified massage business—Certificate of registration issuance.
A. The certificate administrator shall issue a certificate of registration—business to any certified sole proprietorship that demonstrates all of the following:

1. That the operation, as proposed, if permitted, complies with all applicable laws, including, but not limited to, the city’s building, zoning, business license, health regulations, and this chapter.

2. The owner is a certified massage practitioner and is the same person to whom the CAMTC issued a valid and current identification card.

3. That the applicant has not made a material misrepresentation in this application or with respect to any other document or information required by the city with respect to this application or for an application for a city massage permit under applicable law within the last five years.

B. The certificate administrator shall issue a certificate of registration—business to a certified massage business that demonstrates all of the following:

1. That the operation, as proposed, if permitted, complies with all applicable laws, including, but not limited to, the city’s building, zoning, business license, health regulations, and this chapter.

2. The owner is a certified massage practitioner and is the same person to whom the CAMTC issued a valid and current identification card.

3. The massage business employs or uses only certified massage practitioners whose state certifications are valid and current are the same persons to whom CAMTC issued valid and current identification cards.

4. That the applicant has not made a material misrepresentation in this application or with respect to any other document or information required by the city with respect to this application or for an application for a city massage license under applicable law within the last five years.

5. That the background check for any applicant/owner authorized by this chapter shows that such person has not been required to register under the provisions of Section 290 of the California Penal Code; within 10 years preceding the application had a conviction in court of competent jurisdiction for any of the crimes identified in Section 5.16.050(A)(1)(e)(6)(i—vii) herein; has not had
an individual or business permit or license with any agency, board, city, county, territory, or state, denied, revoked, restricted, or suspended within the last five years; and has not been subject to an injunction for nuisance pursuant to Penal Code Sections 11225—11235 within the last 10 years.

C. In the event of a denial of issuance of a certificate of registration—business, the certificate administrator will provide notification of and the reasons for denial shall be set forth in writing and shall either be hand delivered to the applicant/owner or sent by registered or certified mail. The applicant/owner shall, at the applicant/owner’s election, have the right to receive a hearing as set forth in Section 5.16.200. If such a hearing is not requested within 10 calendar days of the notice of denial by the certificate administrator, the denial shall be final. A request for hearing is deemed timely if the certificate administrator received said request by close of business on the 10th calendar day. (Ord. CS-234 § 2, 2013)

5.16.070 Registration fee.
A registration fee, if any, shall be set by resolution of the city council and shall be required only for background checks for those applicants/owners of a certified massage business who are not state certified and own five percent or more of the certified massage business. A registration fee shall not be charged to certified massage practitioners or as to those state certified applicants/owners applying for a certificate of registration—business. (Ord. CS-234 § 2, 2013)

5.16.080 City business license.
All persons shall obtain a business license where required by the city’s business license provisions. The issuance of a certificate of registration (individual or business) is a condition precedent to the granting of such a city business license. Upon the issuance of a certificate of registration pursuant to this chapter, the applicant/owner shall apply for and furnish the information necessary to obtain a city business license as required by the provisions of this code. No business license shall be issued until the certificate of registration has been issued and the business license fee, as provided in this code, has been paid. A certified massage practitioner employed by a certified massage business is not required to obtain a city business license. The business license fee shall be commensurate with the business license fee charged to other professionals as established by this code. (Ord. CS-234 § 2, 2013)

5.16.090 Exemptions from requirement for certificate of registration—Business and individual.
The provisions of this chapter shall not apply to the following classes of persons or businesses while engaged in the performance of their duties:
A. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists duly licensed to practice their respective professions in the State of California and working within the scope of their licenses.
B. Barbers, cosmetologists, aestheticians, and manicurists who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, hands and feet, and/or scalp of the customers, and this exception shall not apply to full body work or full body massage.
C. Hospitals, nursing homes, sanatoriums, or any other health facilities duly licensed by the State of California.
D. A trainer of any duly constituted athletic team who administers a massage in the normal course of training duties and when acting within the scope of their employment.
E. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as an outdoor road or bike race.
F. Health clubs, health spa, gymnasium, or other similar facility designed or intended for general physical exercise or conditioning in which the furnishing of massage or bathing services or facilities is subordinate and incidental, except that the person performing massage services shall obtain a state certification and city certificate of registration in conformance with this chapter. (Ord. CS-234 § 2, 2013)

5.16.100 Health and safety requirements.
All premises of certified massage businesses shall be subject to periodic inspection by the city at any time and without prior notice for compliance with health, safety, and building standards and all such establishments shall comply with the following requirements:

A. Health and Safety Requirements—Facility.
   1. One artificial white light of not less than 40 watts shall be provided in each room where massage is being administered.
   2. The walls shall be clean and painted with an approved washable mold resistant paint in all rooms where water or steam baths are given.
   3. Floors shall be free from any accumulation of dust, dirt, or refuse.
   4. All equipment used in the massage operation shall be maintained in a clean and sanitary condition.
   5. Dressing and locker facilities shall be provided for patrons. Security deposit facilities for the protection of the valuables of the patrons shall also be available.
   6. One front door shall be provided for patron entry to the massage business, which shall open to an interior patron reception and waiting area immediately inside the front door. All patrons and any persons other than individuals employed or retained by the massage business shall be required to enter and exit through the front.
   7. No part of the massage business establishment shall be used for or connected with any bedroom or sleeping quarters. Nor shall any person sleep in such massage business establishment except for limited periods incidental to and directly related to a massage.

B. Health Requirements—Linens.
   1. Towels, sheets, clothes and linens of all types, and items for personal use of operators and patrons shall be clean and freshly laundered and shall not be used for more than one person.
   2. Reuse of such items is prohibited unless the same has first been laundered. Such items shall not be laundered or dried in any massage business unless such business is provided with approved laundry facilities for such laundering and drying.
   3. Heavy white paper may be substituted for sheets provided that such paper is used once for every person and then discarded into a sanitary receptacle.

C. General Health and Safety Regulations.
   1. No person afflicted with an infection or parasitic infestation transmissible to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a certified massage business while so infected or infested.
   2. It is unlawful for any certified massage practitioner or other person to massage the genital area of any patron or the breasts of any female patron or for any operator of a massage business to allow or permit such massage.
   3. It is unlawful for any certified massage practitioner or other person to be other than fully clothed in nontransparent clothing at all times that shall not expose their genitals, pubic area, buttocks, or chest or for any operator of a massage business to allow or permit prohibited dress.
   4. If during the life of a certificate of registration, the applicant/owner has any change in information concerning the original application or is different from what was included in the original applica-
5.16.110 Inspection by city officials and notices of violation.
A. The investigating officials of the city, including the San Diego County Health Official, shall have the right to enter the massage business premises from time to time during regular business hours, prior to the issuance of a certification of registration—business and subsequently, for the purpose of making reasonable inspections to enforce compliance with this chapter and with building, fire, electrical, plumbing, and/or health and safety regulations. In the event a certificate of registration—business has been issued, it may be suspended or revoked in the manner hereinafter set forth in this chapter.

B. Whenever a city official makes an inspection of a massage business and finds that any provision of this chapter has been violated, the certificate administrator shall give notice of such violation by means of a written notice. Any resulting written notice shall set forth the specific violation or violations found, and notify the registered certificate holder that failure to comply with any notice issued in accordance with the provisions of this chapter may result in the suspension or revocation of the certification of registration. The registered certificate holder may be issued a warning that any future violation of this chapter may result in suspension or revocation of the certificate of registration. The certificate administrator may establish a specific and reasonable period of time for the correction of the violation or violations. No time to correct need be given for health and safety violations or violations of criminal law. (Ord. CS-234 § 2, 2013)

5.16.120 Display of signs and certification of registration.
A recognizable and legible sign shall be posted at the main entrance of each certified massage business identifying the business as such. The owner or operator of each certified massage business shall display the certificate of registration—business and the certificate of registration—individual issued to each certified massage practitioner employed in or providing massage services to the massage business in an accessible and conspicuous place on the premises. (Ord. CS-234 § 2, 2013)

5.16.130 Transfer of certificate of registration—Business.
A certificate of registration—business shall not be transferrable except with the written approval of the certificate administrator. A written application for such a transfer shall be made to the certificate administrator. The application for such transfer shall contain the same information as required herein for an initial application for a certification of registration as set forth in Section 5.16.050. In the event of denial of such transfer, notification of and reasons for denial shall be set forth in writing and shall be sent to the applicant/owner by means of registered or certified mail or delivered in person. (Ord. CS-234 § 2, 2013)
5.16.140 Notification of changes.
Every certified massage business owner or operator shall report in writing immediately to the certificate administrator any and all changes of address or ownership of the certified massage business and any changes of certified massage practitioners employed in or providing massage services to the massage business. (Ord. CS-234 § 2, 2013)

5.16.150 Certificate of registration—Individual; nontransferable.
A. It is unlawful to practice massage for any form of consideration as a principal, employee, agent or otherwise within the city, unless a person has a current and valid certificate of registration issued pursuant to this chapter and a CATMC identification card. This section does not apply to individuals specifically exempted pursuant to the provisions of this chapter.
B. The certificate administrator shall issue a certificate of registration—individual to any certified massage practitioner who demonstrates the following:
   1. A valid and current state certification; and
   2. A valid and current CAMTC identification card.
C. In the event of a denial of issuance of a certificate of registration—individual, the certificate administrator will provide notification of and the reasons for denial shall be set forth in writing and shall either be hand delivered to the applicant or sent by registered or certified mail. The applicant shall, at the applicant’s election, have the right to receive a hearing as set forth in Section 5.16.200. If such a hearing is not requested within 10 calendar days of the notice of denial by the certificate administrator, the denial shall be final. A request for hearing is deemed timely if the certificate administrator received said request by close of business on the 10th calendar day.
D. A certificate of registration—individual shall not be transferable. (Ord. CS-234 § 2, 2013)

5.16.160 Certificate of registration expiration and renewal.
A. Certificates of registration shall be valid for two years from issuance or as extended pursuant to this chapter.
B. The registered certificate holder—business shall apply to the certificate administrator to renew such registration within 60 days prior to expiration and shall apply to the certificate administrator to amend the certificate of registration—business within 30 days after any change in the registration information, including, but not limited to a change in certified massage business mailing address or the address of the massage premises. The certificate administrator may extend the certificate of registration one time in a renewal period for up to 90 days for sole proprietors who provide timely evidence of a renewal application to CAMTC.
C. The registered certificate holder—individual shall apply to the certificate administrator to renew such registration within 30 days prior to expiration of the certificate of registration and shall apply to the certificate administrator to amend the certificate of registration within 30 days after any change in the registration information, including, but not limited to a change in the mailing or work address. The certificate administrator may extend the certificate of registration one time during a renewal period for up to 90 days for individuals who provide timely evidence of a renewal application to CAMTC.
D. If a renewal application and all required information for the renewal is not received by the certificate administrator within 30 days after expiration, the certificate of registration shall be deemed expired and no privilege to provide massage services in Carlsbad shall exist. Renewals shall be processed and investigated and the applicant/owner is required to submit that information which has changed from the last application or renewal.
E. In the event of a denial of a renewal certificate of registration for reasons other than the applicant/owner’s failure to submit a complete renewal application with all required information, the certificate administrator will provide notification of and the reasons for denial shall be set forth in writing and
shall either be hand delivered to the applicant/owner or sent by registered or certified mail. The applicant/owner shall, at the applicant/owner’s election, have the right to receive a hearing as set forth in Section 5.16.200. If such a hearing is not requested within 10 calendar days of the notice of denial by the certificate administrator, the denial shall be final. A request for hearing is deemed timely if the certificate administrator received said request by close of business on the 10th calendar day. (Ord. CS-234 § 2, 2013)

5.16.170  **Grounds for suspension or revocation of certificate of registration—Business.**  
The certificate administrator may suspend or revoke a certificate of registration issued to a certified massage business or certified sole proprietorship upon any of the following grounds:

A. A registered certificate holder is no longer in possession of a current and valid state certification.

B. A noncertified owner, operator, corporation, or partner who owns five percent or more of the massage business has been convicted of a crime that would have caused denial of the certificate of registration.

C. A registered certificate holder has made a material misrepresentation on the application for certificate of registration or renewal.

D. The registered certificate holder has engaged in conduct or operated the certified massage business or as a certified massage practitioner in a manner which violates any of the provisions of this chapter, any conditions of the certification of registration, or any of the laws which would have been grounds for denial of the certification of registration.

E. The registered certificate holder employs or uses noncertified massage technicians to perform massage services.

F. Violations of this chapter or of California Business and Professions Code Sections 4600, and following, have occurred on the massage business premises.

G. The registered certificate holder has failed to comply with one or more of the health and safety requirements under this chapter.

H. The registered certificate holder has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a certificate of registration. (Ord. CS-234 § 2, 2013)

5.16.180  **Grounds for suspension or revocation of certificate of registration—Individual.**  
The certificate administrator may suspend or revoke a certificate of registration issued to an individual upon any of the following grounds:

A. Registered certificate holder—individual is no longer in possession of a current and valid state certification or CAMTC identification card;

B. The registered certificate holder—individual has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a certificate of registration. (Ord. CS-234 § 2, 2013)

5.16.190  **Suspension or revocation of certificate of registration.**  
In the event that the certificate administrator determines that any of the grounds identified in Section 5.16.170 or 5.16.180 exists for the suspension of revocation of a certificate of registration, the certificate administrator shall notify the registered certificate holder in writing of the intended action and the reasons therefor, and of the right to request a hearing in regard thereto. The action indicated in the written notice shall be final unless the registered certificate holder files a written request for hearing with the certificate administrator which is received by the certificate administrator within 14 calendar days of the date of the notice. A request for hearing is deemed timely if the certificate administrator received said request by close of business on the 14th calendar day. If the request for hearing is timely received, the certificate administrator shall proceed in accord with Section 5.16.200. (Ord. CS-234 § 2, 2013)
5.16.200 Hearing.
Any person who has been denied a certificate of registration, for reasons other than submitting an incomplete certificate of registration application or renewal, by the certificate administrator or any registered certificate holder who has received a notice of intent to suspend or revoke a certificate of registration may request a hearing.

A. Upon receipt of a timely written request for hearing, the certificate administrator shall schedule a hearing and shall set forth in writing and send to the applicant or registered certificate holder, by means of registered mail, certified mail or hand delivery, notice that within a period of not less than five days nor more than 14 days from the date of the posting of the notice, a hearing shall be conducted to determine the existence of any facts which constitute grounds for denial, suspension or revocation of a certificate of registration. The notice shall include the date, time and place of the hearing.

B. The hearing shall be conducted by a hearing officer appointed by the city manager.

C. The applicant/owner or registered certificate holder may have the assistance of counsel or may appear by counsel and shall have the right to present evidence. The hearing need not be conducted according to the rules of evidence. Any relevant evidence may be admitted and considered by the hearing officer if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the hearing officer.

D. In the event that the applicant/owner, registered certificate holder or counsel for applicant/owner or registered certificate holder fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for denial, suspension or revocation of the certificate of registration shall be considered unrebutted.

E. Notice of the decision shall be given in the same manner as for the hearing and shall specify findings of fact and the reasons for the decision. The hearing officer shall inform the party against whom the decision is rendered of his or her right to appeal to the city council pursuant to this chapter. (Ord. CS-234 § 2, 2013)

5.16.210 Appeal.
Within 10 days after receipt of the decision of the hearing officer, any party affected by the decision may file with the city clerk a written request for a public hearing before the city manager. Upon the filing of such a request, the city clerk shall, within 14 days thereafter, set the matter for a hearing and shall notify the appellant of the date, time and place of such hearing at least five days before the hearing date. At the hearing, any person may present relevant evidence in opposition to, or in support of, appellant's case. At the conclusion of the hearing, the city manager shall either grant or deny the appeal, and the decision of the city manager shall be final. (Ord. CS-234 § 2, 2013)

5.16.220 Reapplication after denial.
No reapplication for a certificate of registration will be accepted within one year after an application or renewal is denied or a certificate of registration is revoked, provided that, if a certificate of registration—business is denied for the sole reason that a certified massage practitioner does not possess the required state certification, reapplication may occur when the required certification is obtained. (Ord. CS-234 § 2, 2013)

5.16.230 Public nuisance.
A certified massage business operated, conducted, or maintained contrary to the provisions of this chapter shall be unlawful and a public nuisance, and the city attorney may in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinment thereof, in a manner provided by law. (Ord. CS-234 § 2, 2013)
5.16.240 Violations, penalties.
A. Unless otherwise exempted by the provisions of this chapter, every person, whether acting as an individual, owner, employee of the owner, operator, or employee of the operator or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage business, or who, in connection with the business, gives or administers, or practices the giving or administering of, massages or baths or any of the services defined in this chapter, without first obtaining state certification and a city certificate of registration, or who violates any provision of this chapter, shall be guilty of an infraction or misdemeanor punishable as provided in Section 1.08.010(B).

B. Any owner, licensee, manager, or registered certificate holder in charge or in control of a massage business or certified massage business or certified sole proprietorship who knowingly employs a person who is not in possession of a valid, unrevoked certificate of registration, or who allows such persons to perform, operate, or practice within a massage business, shall be guilty of an infraction or misdemeanor punishable as provided in Section 1.08.010(B). (Ord. CS-234 § 2, 2013)

5.16.250 Interpretation.
This chapter shall be construed liberally in favor of regulation as determined if necessary and appropriate by the city manager for the public protection and welfare and in order to accomplish its purpose and intent. (Ord. CS-234 § 2, 2013)

5.16.260 Constitutionality.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted the chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. CS-234 § 2, 2013)
Chapter 5.17

ESCORT SERVICES

Sections:
5.17.010 Purpose and intent.
5.17.020 Definitions.
5.17.030 Escort service—License required.
5.17.040 Escort service license.
5.17.050 Investigation fee—Escort service.
5.17.060 License investigation—Escort service.
5.17.070 Issuance or denial of license.
5.17.080 Escort service establishment facilities.
5.17.090 Display of licenses.
5.17.100 Name of business.
5.17.110 Telephone number or numbers of business.
5.17.120 Change of location.
5.17.130 Change in escort service manager.
5.17.140 Sale or transfer.
5.17.150 Inspection.
5.17.160 Escort—License required.
5.17.170 Escort license.
5.17.180 Operative date—Escort services, escorts.
5.17.190 Escort services—Operating requirements.
5.17.200 Patrons obligation.
5.17.210 Rules and regulations.
5.17.220 Denial of license.
5.17.230 Suspension or revocation of license.
5.17.240 Injunctive relief.
5.17.250 Violations.
5.17.260 Constitutionality.

5.17.010 Purpose and intent.
It is the purpose and intent of this chapter to provide for the orderly regulation of escort services and escorts in the City of Carlsbad, by establishing certain minimum standards for the conduct of this type of business by the adoption of a licensing procedure for escort establishments as well as the individuals providing escort services. This is determined to be necessary to protect and preserve the public order and the health, safety and general welfare of the residents of the City of Carlsbad. (Ord. NS-388 § 1, 1997)

5.17.020 Definitions.
For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section.

“Employee” means any and all persons who work in or about or render any services whatsoever to the patrons or customers of an escort service and who receive compensation for such service.

“Escort” means any person who, for a fee, commission, hire, reward, or profit, accompanies other persons to or about social affairs, entertainments, or places of amusement, or consorts with others about any place of public resort or within any private quarters. Excluded from this definition are any persons employed by any business, agency or a person regulated by Chapter 21.43 of this code.

“Escort license” means the license to engage in the activities of an escort required by this chapter.
“Escort service” means any place where patrons can purchase the social company or companionship of another person to be given either on or off the premises, excluding any use regulated by Chapter 21.43 of this code.

“Escort service license” means the business license to operate an escort service required by this chapter.

“Operator” means any person operating an escort service, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession.

“Person” means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, and any political subdivision thereof. (Ord. NS-388 § 1, 1997)

5.17.030 Escort service—License required.
It is unlawful for any person, as defined in Section 5.17.020, to engage in, conduct, carry on, or to permit to be engaged in, conducted or carried on, the operation of an escort service as defined in Section 5.17.020, without a license issued by the chief of police of the city pursuant to the provisions of this section for each and every such business. Any person obtaining an escort service license shall pay to the license collector a license fee in an amount established by city council resolution and payable when the license issues. This license fee shall be in lieu of any business license tax. (Ord. NS-388 § 1, 1997)

5.17.040 Escort service license.
Each application for an escort service license shall be submitted to the chief of police and shall contain the following information:

A. A definition of services to be provided;
B. The location and mailing address of the proposed name of the escort service and address;
C. The name and residence address and phone number of the applicant;
D. The full true name and any other names used by the applicant and address of all owners of the escort service establishment, including corporate officers and directors, stockholders owning more than 10% of the corporation, and general, managing and limited partners. Corporations shall also furnish the name and address of an agent for service of process and the state of incorporation;
E. The previous address of the applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residences at each;
F. Written proof that the applicant is over the age of 18 years;
G. Provision of acceptable government issued identification containing the name, date of birth and photograph of the applicant;
H. A complete set of the applicant’s fingerprints and a photograph which shall be taken by the chief of police or agent;
I. Business, occupation or employment history of the applicant for the five years immediately preceding the date of the application;
J. The history of the applicant in the operation of an escort service or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another city or state under license, had had such license revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
K. All criminal convictions, other than minor traffic violations, with a full explanation of the circumstances thereof for the escort service establishment manager, the operator and the owner, including all partners, corporate officers and directors;
L. At the discretion of the chief of police, the applicant may be required to submit the name and address of each escort service applicant who is or will be employed in the establishment;

M. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted, and a copy of the lease or rental agreement;

N. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application;

O. The applicant shall be the owner of the escort service establishment. If the applicant is not responsible for the daily management and operation of the service, the person who is responsible must also submit an application and pay a fee pursuant to Section 5.17.050. (Ord. NS-388 § 1, 1997)

5.17.050 Investigation fee—Escort service.
A nonrefundable fee in an amount established by the chief of police shall accompany the submission of each application for an escort service license to defray, in part, the costs of investigation. The fee shall not be in lieu of, and shall be in addition to, the license fee to be paid pursuant to the terms of this chapter. (Ord. NS-388 § 1, 1997)

5.17.060 License investigation—Escort service.
A. Upon receipt of a completed application and fee, the chief of police shall have a reasonable time, not to exceed 60 days, in which to verify the application information and to investigate the background of the applicant.

B. The chief of police shall notify the planning, building, fire and health departments regarding the pending application. The notified departments, within the 30 days from the application date, shall inspect the premises proposed to be devoted to the escort service and shall make separate recommendations to the chief of police concerning compliance with the provisions of this chapter and with the other applicable provisions of state law and the municipal code.

C. If the escort service has made application for a conditional use permit pursuant to Chapter 21.43, Section 21.43.110 of this code, the investigations required therein may satisfy the requirements of this section as well. (Ord. NS-388 § 1, 1997)

5.17.070 Issuance or denial of license.
Based upon the results of his or her own investigation and upon the reports received from the other city departments, the chief of police shall issue a escort service license if the chief finds:

A. That the operation, as proposed by the applicant, if licensed, would comply with all applicable laws, including, but not limited to, the city’s building, zoning, fire and health regulations;

B. That the applicant, if an individual, or in the case of an applicant which is a corporation or a partnership, any of its officers, directors, holders of 10% or more of corporation stock, has not been convicted in a court of competent jurisdiction of:
   1. An offense involving the use of force or violence upon the person of another; or
   2. A crime requiring registration under Section 290 of the California Penal Code, or of any violation of Sections 266i, 315, 316, 318 or subdivision (a) or (b) of Section 647 of the Penal Code; or
   3. Any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code; or
   4. Any of the above substantive offenses as defined in the laws of any jurisdiction other than the State of California;

C. That the applicant has not knowingly and with intent to deceive made false, misleading or fraudulent statements of fact in the license application or any other document required by the city in conjunction therewith;
D. The applicant has met all the requirements of this chapter;
E. The applicant has not had an escort service, massage establishment, nude entertainment, outcall service activity, nude photo studio or similar type of license or a permit suspended for one year or more, or revoked for good cause within three years immediately preceding the date of the filing of the application unless the applicant can show material change in circumstances or mitigating circumstances exist since the revocation or suspension.

If one or more of the above described findings cannot be made, the license shall be denied. In the event of denial, notifications and reasons for denial shall be set forth in writing by the chief of police and shall be sent to the applicant by means of registered or certified mail or hand delivery. The denied applicant shall, at his or her election, have the right to receive a hearing before the city manager pursuant to the provisions of this chapter. If such a hearing is not requested within 10 days of the notice of denial by the chief of police, the denial shall be final. (Ord. NS-388 § 1, 1997)

5.17.080 Escort service establishment facilities.
No license to conduct an escort service shall be granted unless an inspection by the city reveals that the proposed establishment from which the service is to be conducted complies with the minimum requirements set forth in Title 21, Chapter 21.42, Section 21.42.010 of this code. (Ord. NS-388 § 1, 1997)

5.17.090 Display of licenses.
Every person issued an escort service license under the terms of this chapter shall display the license in a conspicuous place so that the same may be readily seen by persons entering the premises from which the escort service is operated. (Ord. NS-388 § 1, 1997)

5.17.100 Name of business.
No person licensed to do business as provided in this chapter shall operate under any name or conduct his or her business under any designation not specified in the person’s license. (Ord. NS-388 § 1, 1997)

5.17.110 Telephone number or numbers of business.
All telephone numbers or listings of the escort service shall be reported in writing to the chief of police within 10 days of the telephone number becoming operative or inoperative. (Ord. NS-388 § 1, 1997)

5.17.120 Change of location.
A change of location of a licensed escort service may be approved by the chief of police; provided all applicable provisions of this code are complied with and a change of location fee to be determined by a resolution of the city council to defray, in part, the costs of investigation and inspection has been paid to city. (Ord. NS-388 § 1, 1997)

5.17.130 Change in escort service manager.
If the owner of an escort service establishment is not acting as the manager of the establishment, and there is a change in managers, the new manager shall submit information required for an escort service application to the chief of police or agent within 30 days of becoming the new manager. The application information must be accompanied by an investigation fee pursuant to Section 5.17.050. No other license fee pursuant to this chapter shall be required due to a change in escort service managers if the manager is not the establishment owner. (Ord. NS-388 § 1, 1997)

5.17.140 Sale or transfer.
Upon the sale or transfer of any interest in an escort service, the license for that establishment shall be null and void. A new application shall be made by any person desiring to own or operate an escort service. An
5.17.150 Application fee to be determined by a resolution of the city council shall be payable for each such application. (Ord. NS-388 § 1, 1997)

5.17.150 Inspection.
Representatives of the city departments of building inspection, housing, fire, police and health shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, mechanical, plumbing or health regulations. This shall not restrict or limit the right of entry vested in any law enforcement agency. (Ord. NS-388 § 1, 1997)

5.17.160 Escort—License required.
It is unlawful for any person to engage in the business of acting or act as an escort without an escort license issued pursuant to the provisions of this chapter. Such persons when providing services as an escort shall have the permit in his or her immediate possession and shall exhibit the permit upon demand of any peace officer. (Ord. NS-388 § 1, 1997)

5.17.170 Escort license.
A. Any person desiring to obtain a license to act as an escort shall make application to the chief of police, or designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation and examination as required by this chapter. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

B. Each applicant for a license to act as an escort shall furnish the following information to the chief of police:
   1. The full true name and any other names used by the applicant;
   2. The present address and telephone number of the applicant;
   3. Each residence and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates of each such address;
   4. Written proof that the applicant is at least 18 years of age;
   5. Applicant’s height, weight, color of eyes and hair;
   6. Two photographs of the applicant of a size specified by the chief of police taken within the last 30 days immediately preceding the date of application. One photograph shall be retained by the chief of police and one photograph shall be affixed to the license;
   7. Applicant’s business, occupation and employment history for the three years immediately preceding the date of application;
   8. The business or permit history of the applicant including whether such applicant has ever had any business, professional or vocational license or permit issued by an agency or board, city, county or state revoked or suspended, and the reason therefor;
   9. All criminal convictions, except traffic violations, and a statement of the dates and places of such convictions;
   10. The establishment or business locations, if any, at which the applicant expects to be employed;
   11. Such other identification and information as may be required in order to discover the truth of the matters herein specified as required to be set forth in the application;
   12. The chief of police may require the applicant to furnish fingerprints when needed for the purpose of establishing identification;
13. A certificate from a medical doctor, licensed to practice in the State of California, stating that the applicant has within 30 days immediately preceding the date of application been examined and had no communicable disease on the date of the examination.

C. The chief of police shall have a reasonable time, not to exceed 60 days, in which to investigate the application and background of the applicant.

D. A permit shall be issued within 60 days of receipt of the application to any applicant who has furnished all of the information required by this section of the application for such permit, unless:
   1. The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application for the permit; or
   2. The applicant has within five years immediately preceding the date of the filing of the application been convicted of any of the following offenses: 315, 316, or subdivision (a) or (b) of Section 647 of the California Penal Code, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of Section 415 of the California Penal Code in satisfaction of, or as a substitute for, an original charge of a violation of Section 315, 316 or subdivision (a) or (b) of Section 647 of the California Penal Code; any offense which requires registration as a sex offender with the chief of police under Penal Code Section 290; any offense in another state which if committed in this state would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any violation of a statute, ordinance or regulation pertaining to the same or similar business operational; or
   3. The applicant has had an escort service, massage technician or establishment, nude entertainment, outcall services activity, nude photo studio or similar type of license or permit suspended for one year or more, or revoked for good cause within three years immediately preceding the date of the filing of the application, unless the applicant can show material changes in circumstances or mitigating circumstances exist since the revocation or suspension; or
   4. The applicant is under 18 years of age.

E. A license to act as an escort does not authorize the operation of an escort service. Any person obtaining a license to act as an escort who desires to operate an escort service must separately apply for a license therefor. A person who applies for a license to operate an escort service and who desires to act as an escort within said business, who pays the fee required by Section 5.17.050 of this chapter, shall not be required to pay the fee required in this section. (Ord. NS-388 § 1, 1997)

5.17.180 Operative date—Escort services, escorts.
All persons operating an escort service or acting as an escort at the time this chapter becomes effective shall apply for an escort service license or escort license, as described in this chapter, within 30 days of the effective date of the ordinance codified in this chapter. (Ord. NS-388 § 1, 1997)

5.17.190 Escort services—Operating requirements.
No person, association, partnership or corporation shall engage in, conduct or carry on, or license to be engaged in, conducted or carried on the operation of an escort service unless each and all of the following requirements are met:

A. Each person employed or acting as an escort shall have a valid license issued pursuant to the provisions of this chapter, and it shall be unlawful for any owner, operator, responsible managing employee, manager or licensee in charge of or in control of an escort service to employ or permit any person to act as an escort who is not in possession of a valid, unrevoked escort permit.

B. The possession of a valid escort service license does not authorize the possessor to perform services for which an escort license is required.
Every owner, operator, responsible managing employee, manager or licensee in charge of or in control of an escort service shall maintain a daily register, approved as to form by the police department, containing the following information:

1. The identification of all employees employed by such establishment together with a duplicate of each of said employee’s escort permit;
2. The hours of employment of each employee for each day; and
3. The true identity of each patron as it appears on bona fide documentary evidence of identity issued by a governmental agency, the city and state of each patron’s residence, hours of employment of escort service, name of escort or employee providing escort services, location and place where escort services took place, and fee charged.

The daily register shall at all times during the establishment’s business hours be subject to inspection by the police department and shall be kept on file for one year on the premises.

This section is regulatory only within this chapter. (Ord. NS-388 § 1, 1997)

Patrons obligation.
No person who is a patron shall place or be cause to be placed in the daily register a false name, or false city and state of that patron’s address. (Ord. NS-388 § 1, 1997)

Rules and regulations.
The chief of police may adopt rules and regulations supplemental to the provisions of this chapter and not in conflict therewith. (Ord. NS-388 § 1, 1997)

Denial of license.
Any person who has been denied a license by the chief of police may request a hearing and appeal in accordance with the provisions set forth in Chapter 5.16, Sections 5.16.270 and 5.16.280. (Ord. NS-388 § 1, 1997)

Suspension or revocation of license.
In the event that any person holding a license issued pursuant to this chapter violates or causes or permits to be violated any of the provisions of this chapter or any provision of any other ordinance or law relating to or regulating escort services, or conducts or carries on such business or occupation in an unlawful manner or in such manner as to constitute a public nuisance, the city manager may, in addition to other penalties provided by ordinance, suspend or revoke the license as follows:

A. The city manager shall notify the licensee in writing of the intended action and the reasons therefor, and of the right to request a hearing in regard thereto;
B. The action indicated in the written notice shall be final unless the licensee files a written request for hearing with the city manager within 10 days of the notice;
C. If a notice of hearing is received, the city manager shall proceed in accord with Chapter 5.16, Sections 5.16.270 and 5.16.280. (Ord. NS-388 § 1, 1997)

Injunctive relief.
An addition to the legal remedies provided for in this code, the operation of any escort service in violation of the terms of this chapter is a public nuisance and may be enjoined by the city. (Ord. NS-388 § 1, 1997)

Violations.
Any person who violates any of the provisions of this chapter upon conviction is guilty of misdemeanor punishable as provided in Section 1.08.010. (Ord. NS-388 § 1, 1997)
5.17.260 Constitutionality.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The council declares that it would have adopted the chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid. (Ord. NS-388 § 1, 1997)
Chapter 5.20

TAXICABS

Sections:
5.20.010 Definitions.
5.20.020 Business license.
5.20.030 Application information and fee.
5.20.040 Investigation and issuance of a City of Carlsbad business license and City of Carlsbad decal.
5.20.050 Grounds for denying a taxicab operator a City of Carlsbad business license.
5.20.060 City of Carlsbad business license for taxicab operator—Expiration and renewal.
5.20.070 Notice of suspension, revocation, or denial and appeal rights and procedures.
5.20.080 Insurance requirements.
5.20.090 Suspension or revocation of a City of Carlsbad business license for taxicab operator.
5.20.100 Permission to make changes in the mode of operation.
5.20.110 Taxicab stands.
5.20.120 Taxicab fares.
5.20.130 Rules and regulations of operation.
5.20.140 Condition of taxicabs.
5.20.150 Taxicab driver licensing requirements.
5.20.160 Taxicab numbers and information posted inside of a taxicab.
5.20.170 Transferability of a business license.
5.20.180 Violations.

* Prior ordinance history: Ord. Nos. 6010, 6031, 6048, 6052, 6061, 1296, NS-142, and CS-055.

5.20.010 Definitions.
For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section, unless it is apparent from the context that a different meaning is intended:

"Certificate of liability insurance" means the certificate of liability insurance issued by an insurance company in the name of the taxi company in the required coverage amounts by the City of Carlsbad in order to obtain a business license.

"City" means the City of Carlsbad.

"City of Carlsbad business license" or "business license" means the business license that is issued by the City of Carlsbad that is required to operate a taxi business or provide taxi services that originate within the city limits of Carlsbad.

"County" means the County of San Diego and includes the San Diego County Sheriff Department.

"Decal" means a pre-numbered decal that demonstrates issuance of a city business license, to be affixed to the left portion of the passenger side rear window. The decal will be hole-punched with its expiration month and year. This decal authorizes the taxicab to provide taxi services that originate in the City of Carlsbad.

"Passenger" shall mean every occupant other than the driver of a taxicab.

"Posted rate" means the rate the operator has registered with the county for transporting passengers and which is conspicuously posted in the taxicab. The "posted rate" includes flat rate fares and the fares at which the taximeter has been calibrated and inspected by the sealer of County of San Diego weights and measures.
“Taxicab” means a motor vehicle as the term is defined by the California Vehicle Code used for transportation of passengers for hire, equipped with a taximeter. A taxicab shall be a vehicle designed to transport no more than eight persons, excluding the driver.

“Taxicab driver” means any person or individual who drives or is in actual physical control of a taxicab.

“Taxicab driver identification cards” or “identification card” means the two annual county identification cards issued to a taxicab driver, by the San Diego County Sheriff Department, authorizing a taxicab driver to pick up passengers. Both identification cards shall be made available to any passenger or law enforcement official for inspection prior to, during and after any transportation of passengers.

1. The larger identification card is approximately eight inches long by five and one-fourth inches high and will be on display, unaltered and without obstruction, on the dashboard of all taxicabs while the taxicab driver is operating the taxicab in the city.

2. The smaller identification card is approximately three and one-fourth inches long by two inches high and shall be worn by the taxicab driver, at all times while operating the taxicab in the city.

“Taxicab operator” means the person, business, partnership, association, firm or corporation which is engaged in the taxicab business.

“Taxicab operator license” means the annual license issued by the county sheriff’s department authorizing a taxicab operator to pick up passengers. In addition the taxicab operator shall obtain a city business license.

“Taxicab vehicle inspection form” means the county sheriff’s department taxicab vehicle inspection form. Each and every taxicab operating within the city shall have a completed and approved taxicab vehicle inspection form. A copy of the taxicab vehicle inspection form shall be maintained in each taxicab and shall be available for viewing by any passenger or law enforcement official prior to, during and after any transportation of passengers.

“Taximeter” means the device on the inside of a taxicab that is calibrated to calculate the fare earned by the taxicab driver for transporting passengers.

“Taximeter certificate” means the certificate issued by the county weights and measures department showing that the taximeter for that taxicab has been calibrated. A copy of the taximeter certificate, to its specifically assigned taxicab, shall be maintained in each taxicab and be made available to any passenger or law enforcement official for inspection prior to, during and after any transportation of passengers.

(Ord. CS-218 § 1, 2013)

5.20.020 Business license.
No person shall engage in the business of providing taxicab services that originate in the City of Carlsbad without having obtained a City of Carlsbad business license and shall comply with all the provisions of this chapter and of such business license. (Ord. CS-218 § 1, 2013)

5.20.030 Application information and fee.
Any person wanting to obtain a business license required by this chapter to operate taxicab services originating in the City of Carlsbad shall pay a fee as established by resolution of the city council to the city finance department.

The application shall include the following:
A. Owners:
   1. The name and address of applicant, and if the same be a corporation, the names of its principal officers; if the same be a partnership, association or fictitious company, the names of the partners or persons comprising the association or company, with the address of each;
   2. The trade name of the taxicab operator or company;
   3. Taxicab operator’s certificate of liability insurance for the taxicab.
B. For taxicab vehicle(s):
   1. A photo copy of a valid California registration card for every taxicab vehicle owned or leased by
      applicant taxicab operator for which a city decal will be issued.
   2. A photo copy of each taximeter certificate, including the serial number that was issued by the
      county for each taxicab for which a city decal will be issued.
   3. A photo copy of each taxicab vehicle inspection form issued by the county for each taxicab for
      which a city decal will be issued.
   4. The distinctive color scheme, name, monogram or insignia which shall be used on such taxicab
      vehicle.
   5. Copy of a certificate of insurance pursuant to Section 5.20.080. (Ord. CS-218 § 1, 2013)

5.20.040 Investigation and issuance of a City of Carlsbad business license and City of Carlsbad decal.
Taxicab operators names are submitted to the Carlsbad Police Department for approval. The chief of police
or designee shall inspect all applications and forms required by the chapter to ensure they are valid copies
issued by the County of San Diego prior to applicant(s) operating any taxicab service/business in the City of
Carlsbad. After the police department has reviewed all documents in their entirety, and checked with the
County of San Diego that the taxicab operator(s) and taxicab(s) are in good standing with the County of San
Diego, the police department shall notify the city’s finance department that taxicab operator(s) is authorized
to conduct business as a licensed Carlsbad taxicab operator.
Upon the receipt of appropriate approvals and certifications, the finance department shall issue the taxicab
operator a business license and a decal for each taxicab. (Ord. CS-218 § 1, 2013)

5.20.050 Grounds for denying a taxicab operator a City of Carlsbad business license.
If a taxicab operator applicant was unable to pass the background check conducted by the County of San
Diego Sheriff’s Department, was under a current investigation by the County of San Diego Sheriff’s Depart-
ment or any other law enforcement agency or was unable to obtain or have issued a county taxicab license
or had a county taxicab license revoked or suspended for any reason listed in the San Diego County Code of
Regulatory Ordinances the taxicab operator applicant will not be issued a City of Carlsbad business li-
cense for operating a taxicab business in the City of Carlsbad.
The chief of police or designee shall notify the taxicab operator applicant within 30 days after the applicant
filed a complete application that the City of Carlsbad business license for taxicab operator has been denied.
(Ord. CS-218 § 1, 2013)

5.20.060 City of Carlsbad business license for taxicab operator—Expiration and renewal.
A City of Carlsbad business license for taxicab operator issued pursuant to this chapter shall expire one year
from the date it is issued unless said license, by its terms, provides for a different expiration date. A City of
Carlsbad business license for taxicab operator may be renewed by filing a renewal application not more than
60 days and not less than 40 days prior to the expiration date with the City of Carlsbad. The finance depart-
ment shall forward the complete renewal application to the police department for review and compliance with
Section 5.20.040. The finance department may deny renewal on the following grounds:
A. Any of the grounds for denying a new City of Carlsbad business license for taxicab operator; or
B. The taxicab operator committed an illegal act, or allowed any of its taxicab drivers, agents or employ-
ees to commit an illegal act, while engaging in the activity for which the business license was issued or
used or allowed any taxicab driver, agent or employee to use the business license contrary to its terms; or
C. The County of San Diego did not renew or will not renew the applicant’s county issued taxicab operator license. (Ord. CS-218 § 1, 2013)

5.20.070 Notice of suspension, revocation, or denial and appeal rights and procedures.
A. If the County of San Diego suspends, revokes, or denies a new or renewal taxicab operator license the taxicab operator licensee must contest that suspension, revocation, or denial with the County of San Diego.
B. If the City of Carlsbad suspends, revokes or denies a new or renewal taxicab operator's business license then the taxicab operator applicant shall utilize the following appeal process:
   1. The taxicab operator applicant must request an appeal hearing before the chief of police. This request must be made in writing and it must be physically received at the Carlsbad Police Department no later than 21 days following the date of the notice of suspension, revocation or denial of either a new or renewal taxicab operator application for City of Carlsbad business license. For purposes of complying with the 21-day request for hearing, the Carlsbad Police Department "received" stamp shall be determinative for purpose of timely compliance. Failure to file a timely written request for a hearing shall be deemed a waiver of the applicant’s right to appeal the suspension, revocation, or denial of a City of Carlsbad business license for taxicab operator.
   2. The chief of police or designee will schedule a hearing within 30 days of receipt of the written request for hearing, unless the 30-day time period is waived in writing by the parties. At the hearing, the taxicab operator applicant shall present relevant evidence for consideration by the police chief or designee as to why the business license should be issued or renewed. The police chief or designee shall issue a written decision to the applicant within 10 business days following the date of the hearing, unless the 10 business day time period is waived in writing by the parties.
   3. If after the hearing the chief of police or designee does not overturn the suspension, revocation, or denial, the taxicab operator applicant has the right to appeal that suspension, revocation, or denial to the city manager. Said applicant shall make this request in writing and it must be received at the Carlsbad City Clerk’s Office within 10 calendar days following the date of the chief of police or designee’s decision. For purposes of complying with the 10 calendar day request for a city manager hearing, the clerk's “received” stamp shall be determinative for purpose of timely compliance. Failure to file a timely written request for a city manager hearing shall be deemed a waiver of the applicant’s right to appeal the suspension, revocation, or denial of a City of Carlsbad business license for taxicab operator to the city manager.
   4. The city manager or designee will schedule a hearing within 30 days, unless waived in writing by the parties. At this hearing, the taxicab operator applicant shall present relevant evidence for consideration by the city manager or designee as to why the business license for taxicab operator should be issued or renewed. The city manager or designee shall issue a written decision to the applicant within 10 business days following the date of the hearing. The decision of the city manager or designee is final. (Ord. CS-218 § 1, 2013)

5.20.080 Insurance requirements.
A. It shall be unlawful for any taxicab operator to operate a taxicab within the City of Carlsbad unless the person has in effect insurance coverage issued by a company authorized to transact insurance business in the State of California with coverage amounts that meet the requirements of coverage for each taxicab in an amount not less than one million dollars per occurrence, combined single limit for bodily injury and property damage.
B. The certificate of insurance shall provide that the insurer will notify the Carlsbad Chief of Police, in writing, of any policy cancellation and the notice shall be sent to the Carlsbad Chief of Police by registered mail at least 30 days prior to cancellation of the policy. The certificate shall also state:
   1. The full name of the insurer;
2. The name and address of the insured;
3. The insurance policy number;
4. The type and limits of coverage;
5. The specific vehicle(s) insured;
6. The effective dates of the certificate; and
7. The certificate issue date. (Ord. CS-218 § 1, 2013)

5.20.090 Suspension or revocation of a City of Carlsbad business license for taxicab operator.
In addition to the basis for denial set forth in Section 5.20.050, a City of Carlsbad business license granted under the provisions of this chapter may be suspended or revoked by the chief of police, either as a whole or in part to any taxicab operator or taxicab, described herein. The City of Carlsbad business license may be suspended or revoked for any of the following reasons:
A. Charging or demanding a passenger pay a fare exceeding the posted rate.
B. Driving or controlling the movements of a taxicab without a valid taxicab driver identification card in the taxicab.
C. Allowing a person to drive or control the movements of a taxicab without a valid taxicab driver identification card.
D. Operating or allowing another person to operate a taxicab without the insurance coverage required by this chapter.
E. Operating or allowing another person to operate a taxicab that has not been issued a valid taxicab operator license by the county.
F. Operating a taxicab without a current taximeter certificate or without the taximeter certificate in the vehicle.
G. Violating any other provision of federal, state or local law; minor traffic infractions excluded. (Ord. CS-218 § 1, 2013)

5.20.100 Permission to make changes in the mode of operation.
Taxicab operator shall notify the police chief and city finance department within 10 calendar days of all changes to its taxicab operator’s license. The city may suspend or revoke the business license of any taxicab operator who fails to notify the police chief and finance department of any changes to the taxicab operator’s license. (Ord. CS-218 § 1, 2013)

5.20.110 Taxicab stands.
The City of Carlsbad does not maintain any taxicab stands within the city. All taxis are required to be legally parked at all times, including while loading and unloading passengers. (Ord. CS-218 § 1, 2013)

5.20.120 Taxicab fares.
A. The rate schedule must be submitted to the City of Carlsbad at the time of application for a City of Carlsbad business license for taxicab operator and must be accompanied along with the taximeter verification from county weights and measures.
B. The taxicab operator shall prominently post the rate schedule on the interior of both rear doors of all taxicabs in letters at least one inch high. The rates shall be displayed in dollars and cents and shall also display the “flag drop rate,” “travel charge rate,” and “time charge rate.” The figures that display the fare shall be easily readable by persons in the passenger compartment of the taxicab.
1. It is unlawful for a passenger who has hired a taxicab to refuse to pay the fare.
2. It is unlawful for the taxicab operator or the taxicab driver to request the passenger pay a fare in excess of the posted rate or the amount due on the taximeter.

3. Every taxicab operator and taxicab driver and all agent(s) and employee(s) of a taxicab operator or taxicab driver shall accurately state the “posted rate” in effect in response to any inquiry. (Ord. CS-218 § 1, 2013)

5.20.130 Rules and regulations of operation.
All applicable federal, state, local county and city laws and regulations shall be observed by all persons operating as a taxicab operator or taxicab driver at all times.

A. A taxicab driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his or her destination safely and expeditiously.

B. A taxicab driver shall provide a receipt to any passenger who requests one after the passenger pays the fare. The receipt shall indicate the beginning and ending points of the trip, the fare charged, the date, the taxicab operator or taxicab driver’s name, and the vehicle number, and shall be signed by the taxicab driver.

C. No person shall solicit passengers for taxicabs other than the taxicab driver. The taxicab driver, however, may not leave the taxicab to solicit passengers.

D. No taxicab driver shall transport more persons, including the taxicab driver, than the manufacturer’s rated seating capacity for the taxicab vehicle they are operating. A taxicab driver shall also not transport luggage or other items exceeding the vehicle’s storage volume or load-carrying capacity.

E. A taxicab must be legally parked and the taxicab driver must remain within 12 feet of his or her taxicab unless the taxicab driver is assisting passengers with loading and/or unloading of persons or luggage.

F. No taxicab driver shall knowingly pick up a person who has summoned a taxicab from a competitive taxicab company without informing the person that he or she does not represent the taxicab company the person summoned.

G. No taxicab driver, who has been hired by a passenger, shall pick up any additional passenger without the consent of the original passenger.

H. A taxicab driver shall not operate a taxicab unless he or she has affixed his or her taxicab driver identification card in a prominent location inside the taxicab, visible to passengers in the passenger compartment. A taxicab driver while working shall display the name and photo identification badge issued to him or her by the County of San Diego Sheriff’s Department. The taxicab driver shall prominently display the badge on the outside front of the driver’s clothing, between the waist and shoulders.

I. It shall be unlawful for a taxicab driver to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis of race, creed, color, age, sex, national origin or disability. A taxicab driver may, however, refuse a prospective or actual fare if it is readily apparent to the driver that a person presents a hazard to the taxicab driver. A taxicab driver is also not obligated to transport any person who is verbally or in any other way abusive to the taxicab driver.

J. It is unlawful for a taxicab driver to refuse or discourage a prospective fare based upon the length of the trip if the trip is within the area normally serviced by the taxicab operator who employs the taxicab driver.

K. A taxicab driver shall assist a passenger with loading or unloading a reasonable size, number, and type of passenger luggage or other items, when requested by a passenger. A taxicab driver, however, is not required to lift any single item that exceeds 25 pounds. The requirement to assist with loading or unloading shall be limited to retrieving or depositing items onto the nearest curbside adjacent to a legally parked taxicab. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, “DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE.” A taxicab driver with a lawful disability that prevents him or her from han-
dling items may submit proof of disability to the County of San Diego issuing officer requesting relief from the requirement to assist passengers with luggage. If approved by the County of San Diego issuing officer, the taxicab driver may affix a small sign either in the passenger section of the vehicle to be visible to a rear seat passenger or on the inside of the trunk cover lid stating that, “DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE.”

L. A taxicab driver may seek passengers by driving on a public street, but may not travel at a speed or in a manner that interferes with or impedes traffic.

M. A taxicab driver shall display an “out of service” sign when the taxicab is not available for hire. The sign must be located inside the vehicle to be visible and readable from outside the vehicle at a distance of at least 10 feet away.

N. A taxicab driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer. The trip log shall show the taxicab driver’s name, taxicab number, date, time, origin and destination of each trip, and fare charged. The logs shall have ruled lines and columns sufficient to include all required information and the entries shall be in black or dark blue ink. The taxicab driver shall submit his or her trip logs to the taxicab operator at least once a week.

O. It is unlawful for any taxicab driver while transporting passengers to display the flag or device attached to the taximeter in a position indicating the vehicle is available for hire. It is unlawful for the taxicab driver to prevent the taximeter from operating while the driver is transporting passengers. It is unlawful for a taxicab driver to cause the taximeter to record when the taxicab is not employed or to allow the taximeter to continue to record after reaching the passenger’s final destination.

P. It is unlawful for any taxicab operator or taxicab driver to refuse a prospective or actual fare, take any action to actively discourage a prospective or actual fare or refuse to dispatch a taxicab driver. (Ord. CS-218 § 1, 2013)

5.20.140 Condition of taxicabs.
All taxicabs shall be kept clean and in good condition and may be put out of service by any law enforcement officer until any unsafe condition has been corrected. (Ord. CS-218 § 1, 2013)

5.20.150 Taxicab driver licensing requirements.
All taxicab drivers in the City of Carlsbad must possess valid taxi driver identification cards issued by the County of San Diego and a valid California driver’s license. A taxicab driver shall not pick up a passenger or originate a fare in the City of Carlsbad unless the taxicab driver is licensed as or employed by a taxicab operator possessing a valid City of Carlsbad business license. (Ord. CS-218 § 1, 2013)

5.20.160 Taxicab numbers and information posted inside of a taxicab.
A. Every taxicab operator holding a City of Carlsbad business license shall designate each of its taxicabs by number, and no two taxicabs shall be designated by the same number. The name or trade name of the taxicab company and the number by which the taxicab is designated shall be painted or stickers affixed conspicuously on the outside of each taxicab and on the inside the passenger compartment.

B. In addition, every taxicab shall have a sign of durable material, not smaller than six inches by four inches, securely attached and clearly displayed in view of the passenger at all times. The sign shall provide in letters as large as the size of the sign will reasonably allow and contain the following information:
   1. The name, address, and telephone number of the City of Carlsbad Police Department;
   2. The name, address, and telephone number of the taxicab operator’s company licensed under this chapter. (Ord. CS-218 § 1, 2013)
5.20.170 Transferability of a business license.
No City of Carlsbad business license issued under the terms of this chapter shall be transferable either by contract or operation of law. (Ord. CS-218 § 1, 2013)

5.20.180 Violations.
A. Every person who violates any of the provisions of this chapter shall be guilty of an infraction or misdemeanor punishable as provided in Section 1.08.010(B).

B. Any taxicab operator, or taxicab driver whether an employee or independent contractor of a taxicab operator violating, permitting, or assisting the violation of any provisions of this chapter shall be subject to any and all civil remedies, including without limitation to business license suspension and revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

C. In addition to the remedies set forth in subsection B of this section, any taxicab operator that is operating in violation of this chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation in the City of Carlsbad. (Ord. CS-218 § 1, 2013)
Chapter 5.24

TRAILERS AND TRAILER PARKS

Sections:
5.24.005 Definitions.
5.24.010 Chapter inapplicable to public park, campground or picnic ground.
5.24.015 Enforcement.
5.24.020 Authority of enforcement officers and agents.
5.24.025 Right of entry.
5.24.030 Abatement of nuisances.
5.24.035 Proof sufficient to support judgment.
5.24.040 Permit required—Application.
5.24.045 Conditional use permit—Required when.
5.24.050 Plot plan to be filed by applicant for conditional use permit.
5.24.055 Contents of plot plan.
5.24.060 Recording of conditional use permits.
5.24.065 Fee to accompany application.
5.24.070 Existing auto and trailer park—Application requisites.
5.24.075 Inspection and issuance of permit.
5.24.080 Annual inspection and fee.
5.24.085 Change in name, ownership or possession—Notice.
5.24.090 Permits to be posted.
5.24.095 Expiration of permits.
5.24.100 Grounds for suspension of permit.
5.24.105 Suspension notice—Issuance.
5.24.110 Manner of service of notice of suspension.
5.24.115 Suspension upon failure to comply with notice.
5.24.120 Reinstatement of permit upon compliance.
5.24.125 Parking certain trailer coaches in auto and trailer park prohibited.
5.24.130 Rental of trailer in auto and trailer park owned by owner of park.
5.24.135 Unauthorized occupation of land—Time limitation.
5.24.140 Overnight occupation of public highway.
5.24.145 Location of trailers outside of auto and trailer park.
5.24.150 Camp sites.
5.24.155 Distance of trailer coaches from buildings or other trailer coaches.
5.24.160 Location of trailer coaches and buildings from lot lines.
5.24.165 Building area per site.
5.24.170 Camp sites to front upon driveway—Thoroughfare access.
5.24.175 Accommodation of parties when sites not available.
5.24.180 Streets to be paved.
5.24.185 Street width.
5.24.190 Water closets—Generally.
5.24.195 Marking of water closets.
5.24.200 Floors of water closet compartments to be waterproof.
5.24.205 Water closet—Accessibility to tenants.
5.24.210 Use of trailer coach toilets in auto camps.
5.24.215 Bathing facilities.
5.24.220 Cleanliness, maintenance and ventilation of water closet and bathing compartments.
5.24.225 Laundry compartment.
5.24.230 Slop sinks.
5.24.235 Number of lavatories.
5.24.240 Installation and maintenance of plumbing fixtures affecting sanitary drainage system.
5.24.245 Water supply.
5.24.250 Garbage cans.
5.24.255 Disposal of garbage, waste and rubbish.
5.24.260 Disposal of liquid wastes from coaches.
5.24.265 Care of land.
5.24.270 Space beneath trailer coaches to be kept clean.
5.24.275 Dogs and barnyard animals not to run at large.
5.24.280 Location of storage and utilization vessels and regulators of liquefied petroleum gases.
5.24.285 Charging cylinders.
5.24.290 Illumination.
5.24.295 Electric wiring, fixtures and equipment.
5.24.300 Fire hydrants.
5.24.305 Additional safety equipment.
5.24.310 Landscaping.
5.24.315 Employment of caretaker.
5.24.320 Maintenance of register.
5.24.325 Adoption of applicable state law.
5.24.330 Chapter not to be construed as less restrictive than state law.
5.24.335 Authority to issue permits allowing variations.
5.24.340 Violation of chapter.

5.24.005 Definitions.
For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Approved,” when used in connection with any material, appliance or construction, means meeting the requirements and approval of the community and economic development director of the city;

“Auto and trailer camp” means auto and trailer park;

“Auto and trailer park” means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade;

“Building” means a tent, tenthouse, single and multi-family dwelling, public toilets, public baths and laundry rooms, or other structures, and a compartment containing a toilet or bath, or both, constructed for the exclusive use of an occupant of a camp site;

“Camp site” means any portion of an auto and trailer camp designed for the use or occupancy of one trailer coach or camping party;

“Liquefied petroleum gas” means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees Fahrenheit. Whenever the symbol “LPG” is used, it means liquefied petroleum gas;

Nuisance. In an auto and trailer park, “nuisance” includes any of the following:

1. Any public nuisance known at common law or in equity jurisprudence;
2. Whatever is dangerous to human life or is detrimental to health;
3. The overcrowding of any room with occupants;
4. Inadequate or insanitary sewage or plumbing facilities;
5. Insufficient ventilation or illumination of any room;
6. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings;
7. Unnecessary noise.

"Trailer coach" means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the Vehicle Code of the state, and designated or used for human habitation;

1. A “dependent trailer coach” is one not equipped with a toilet for sewage disposal;
2. An “independent trailer coach” is one equipped with a toilet for sewage disposal. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 1)

5.24.010 Chapter inapplicable to public park, campground or picnic ground.
This chapter does not apply to any supervised public park, public campground or picnic ground owned, operated or maintained by any one of the following:
A. The federal government;
B. The state;
C. Any agency or political subdivision of the state. (Ord. 8033 § 54)

5.24.015 Enforcement.
The chief of police of the city shall enforce the provisions of Section 5.24.140. The fire chief and fire department shall enforce all provisions regarding fire protection. The community and economic development director shall enforce every other provision of this chapter; provided, however, that the health officer of the city may enforce such of the provisions contained in this chapter that relate to or affect public health. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 2028 § 1(P), 1969; Ord. 8033 § 2)

5.24.020 Authority of enforcement officers and agents.
For the purpose of securing the enforcement of this chapter, the community and economic development director and his or her agents and the health officer and his or her agents shall have the authority of peace officers, including authority to make arrests, to serve any process or notice, and generally, such other authority of peace officers as may be necessary to secure enforcement of this chapter. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 5)

5.24.025 Right of entry.
The community and economic development director, or agents of his or her department, or the city health officer may:
A. Enter public or private property to determine whether there exists any auto camp or trailer park to which this chapter applies;
B. Enter and inspect all auto camps and trailer parks, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this chapter. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 2)

5.24.030 Abatement of nuisances.
The owner or operator of an auto and trailer park shall abate any nuisance in the court or park within five days, or within such longer period of time as may be allowed by the community and economic development director or health officer, after he or she has been given written notice by the community and economic development director or health officer to remove the nuisance. If the owner or operator fails to do so within that time, the city attorney, upon the order of the city council, shall bring a civil action to abate the nuisance in the
superior court of the county in the name of the people of the state. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 3)

5.24.035 Proof sufficient to support judgment.
In any action or proceeding to abate a nuisance in an auto and trailer camp, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto and trailer park:
A. Previous conviction of the owner or operator of the auto and trailer park of a violation of this chapter which constitutes a nuisance;
B. Failure on the part of the owner or operator to correct the violation after the conviction;
C. The violation is the basis for the proceeding. (Ord. 8033 § 4)

5.24.040 Permit required—Application.
It is unlawful for any person to do any of the following unless he or she first makes application in writing to the community and economic development director and obtains a permit therefor:
A. Construct an auto and trailer park;
B. Construct additional buildings or reconstruct or move existing buildings in an existing auto and trailer park;
C. Operate, or rent, lease, sublease, let or hire out for occupancy, any space in an auto and trailer park or any building in an auto and trailer park that has been constructed, reconstructed or altered or moved without having obtained a permit as required in this chapter;
D. Operate an auto and trailer park for which a fee of $25.00 has never been paid either to construct or operate. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 6)

5.24.045 Conditional use permit—Required when.
All new auto and trailer parks shall obtain a conditional use permit from the planning commission and a permit from the community and economic development director. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 7)

5.24.050 Plot plan to be filed by applicant for conditional use permit.
Each applicant for a trailer park shall first submit to the planning commission a plot plan. Such filing shall be made prior to the final completion of surveys of streets and camp sites, and before grading or construction work within the proposed trailer park that might be affected in the changes in the plan, and in time to assure its receipt by the planning commission not less than 14 days prior to the date of the planning commission meeting at which time such matter is to be considered. (Ord. 8033 § 8)

5.24.055 Contents of plot plan.
Each plot plan required by the preceding section shall contain the following information:
A. Name and address of owner;
B. Name and address of architect, surveyor, engineer or land planner who prepared the plan;
C. North point and scale;
D. Name, location and width of adjacent streets;
E. Camp sites with the approximate dimensions of each site;
F. Approximate location and width of watercourses, areas subject to inundation by floods, and drainage plan of park;
G. Location of structures, irrigation ditches and other permanent physical features;
H. Approximate location of buildings and structures;
I. Legal description of the exterior boundaries of the trailer park;
J. Width and location of proposed streets, drives and walks, including ingress and egress to public street;
K. Width and location of existing or proposed public easements;
L. Proposed name of park;
M. Proposed grading and landscaping;
N. Identification of city and county lines involved;
O. Description of water supply and method of sewage disposal. (Ord. 8033 § 8)

5.24.060 Recording of conditional use permits.
Each conditional use permit issued under the provisions of this chapter shall be duly recorded with the office of the recorder of the county, and the time limit governing the expiration of such permit shall be considered a covenant upon the property between the property owner and the city. (Ord. 8033 § 17)

5.24.065 Fee to accompany application.
In case of a new auto and trailer camp or a new combination auto and trailer camp, the application to the community and economic development director shall be accompanied by:
A. Plans and information which have been filed and approved by the planning commission for the conditional use permit;
B. A fee of $25.00. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 9)

5.24.070 Existing auto and trailer park—Application requisites.
In the case of an existing auto and trailer camp, the application shall be accompanied by:
A. A description of the grounds upon which buildings are to be added or reconstructed, or to which buildings are to be moved or which is to be used for camping purposes;
B. Plans and specifications of the proposed addition, reconstruction or movement;
C. A description of the water supply, ground drainage and method of sewage disposal. (Ord. 8033 § 10)

5.24.075 Inspection and issuance of permit.
Within 10 days after the application, descriptions, plans and specifications, and required fee, if any, are filed and paid, the community and economic development director shall inspect the grounds upon which the applicant proposes to do the work for which the applicant seeks a permit. The community and economic development director shall issue a written permit to the applicant if, in the director's opinion:
A. The grounds are satisfactory for the work proposed;
B. The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this chapter. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 11)

5.24.080 Annual inspection and fee.
On the first day of July of each year, the sum of two and one-half dollars per camp site shall be due as and for an annual inspection fee. If such fee is not paid by July 31st, a 10% penalty shall be added. The community and economic development director shall inspect annually the auto and trailer park and inform the permittee of any violations of this chapter, and require compliance with the provisions of this chapter. Additional inspections shall be made by the community and economic development director when the director deems necessary. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 12)
5.24.085 Change in name, ownership or possession—Notice.
The community and economic development director shall be notified by the new owner or operator of any auto and trailer park of any change in the name of or the ownership or possession thereof. Such notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by a transfer fee of $10.00. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 13)

5.24.090 Permits to be posted.
Permits for construction and operation of an auto and trailer park shall be posted in a conspicuous place. (Ord. 8033 § 14)

5.24.095 Expiration of permits.
All permits as required in this chapter for construction or reconstruction of an auto and trailer park shall automatically expire within two months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within such period; provided, however, that the community and economic development director may extend the expiration date of any such permit for a reasonable time. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 15)

5.24.100 Grounds for suspension of permit.
In the event that any person holding a permit issued by the community and economic development director under this chapter violates any of the provisions of the permit or of this chapter, the permit may be subject to suspension as provided in Sections 5.24.105 to 5.24.120. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 16)

5.24.105 Suspension notice—Issuance.
The community and economic development director shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit and this chapter have been violated, and shall notify him or her that unless these provisions have been complied with within 30 days after the date of notice the permit shall be subject to suspension. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 16)

5.24.110 Manner of service of notice of suspension.
The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given. (Ord. 8033 § 16)

5.24.115 Suspension upon failure to comply with notice.
If the requirements of the notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the community and economic development director may suspend the permit. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 16)

5.24.120 Reinstatement of permit upon compliance.
Upon compliance by the permittee with the provisions of this chapter and of the notice, and submission of proof thereof to the community and economic development director, the community and economic development director shall reinstate the permit. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 16)
5.24.125 Parking certain trailer coaches in auto and trailer park prohibited.
It is unlawful for any person in an auto and trailer park to use, or cause or permit to be used, for occupancy:

A. Any trailer coach from which any tire or wheel has been removed therefrom, except for the purpose of making temporary repairs or placing it in dead storage;
B. Any trailer coach to which are attached any rigid water, gas or sewer pipes; provided, however, that metal tubing not to exceed one-half inch inside diameter may be used for water and gas;
C. Any trailer coach which is permanently attached with underpinning or foundation to the ground;
D. Any trailer coach which does not conform to the requirements of the California State Vehicle Code governing the use of the trailers on public highways;
E. Any trailer coach which does not carry a current yearly license issued by any state or foreign state motor vehicle department;
F. Any trailer coach in an unsanitary condition;
G. Any trailer coach which is structurally unsound and does not protect its habitants against the elements;
H. Any trailer coach to which there is attached or established less than six feet adjacent thereto any awning, portable, demountable or permanent cabana, building or windbreak, unless constructed in conformity with the rules and regulations as provided by the California Administrative Code, Title 8, Chapter 9, Article 4, and any subsequent amendments thereto, and such use shall be in conformance with all applicable ordinances and regulations thereto, and the community and economic development director is empowered to enforce such rules and regulations. The provisions of Section 5.24.155 shall not apply to any awning, cabana, building or windbreak regulated by this subsection. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 18)

5.24.130 Rental of trailer in auto and trailer park owned by owner of park.
It is unlawful for any person to rent or hold out for rent any trailer coach in an auto and trailer park which is owned by or in the possession or control of the owner or operator of the auto and trailer park or agent. The rental paid for any such trailer coach shall also be deemed to be rental for the space it occupies. (Ord. 8033 § 19)

5.24.135 Unauthorized occupation of land—Time limitation.
It is unlawful for any person to use, occupy or maintain any trailer coach, tent or tent house upon any area or tract of land for a period of more than seven days during any one three month period of time without the written permission of the owner or person legally in charge of the land. (Ord. 8033 § 20)

5.24.140 Overnight occupation of public highway.
It is unlawful to camp overnight or to park a trailer coach overnight upon any public highway including the right-of-way. This provision shall not apply where a trailer coach is parked for the purpose of making emergency repairs. (Ord. 8033 § 21)

5.24.145 Location of trailers outside of auto and trailer park.
Unless otherwise permitted by this code, it is unlawful within the limits of the city for any person to park an automobile trailer, trailer coach or trailer on the premises of any occupied dwelling, which lot or premises are situated outside of any authorized automobile trailer park, except as follows:

A. One unoccupied trailer may be parked in an accessory building, private garage, or in a rear yard, in any zoning district, provided that no living quarters shall be maintained or any business practiced in the trailer when such trailer is so parked or stored; and
B. A trailer may be parked on the subject premises when utilized for the purposes of a watchman’s unit, with the approval of the city manager, provided that the trailer is not used as a primary place of resi-
5.24.150

dence and that utilities meet the standards of the county health department. (Ord. 9350 § 1, 1973; Ord. 9345, 1973; Ord. 9341 § 1, 1973; Ord. 8033 § 2)

5.24.150 Camp sites.
A. Area Generally. Each camp site in an auto and trailer park shall be not less than 1,300 square feet, the corners of which shall be clearly and distinctly marked.
B. Automobile Parking Area. There shall be in addition to the camp site area an area of at least 10 feet by 20 feet for the parking of automobiles for each camp site; this automobile parking area shall be within the trailer park, but need not be adjacent to or on the trailer coach site.
C. Transient Occupancy. The planning commission may approve camp sites of not less than 750 square feet where such camp sites are to be used exclusively for transient occupancy. Such approval shall be conditioned by a time limit governing the continuous occupancy of a trailer or camp car on such site. Transient occupancy herein referred to shall mean use by tourists or vacationists for a period of time not to exceed 90 days. (Ord. 8033 § 23)

5.24.155 Distance of trailer coaches from buildings or other trailer coaches.
No trailer coach, building, awning or cabana shall be located closer than 10 feet from any building, awning or cabana not on the camp site. (Ord. 8033 § 24)

5.24.160 Location of trailer coaches and buildings from lot lines.
Each trailer coach and each building, awning or cabana shall be located not closer than three feet from a lot line. (Ord. 8033 § 25)

5.24.165 Building area per site.
The space occupied by trailers, awnings, cabanas or any other structure shall not exceed 75% of the total site area. (Ord. 8033 § 26)

5.24.170 Camp sites to front upon driveway—Thoroughfare access.
Each camp site shall front upon a driveway of not less than 20 feet in width. All driveways shall have clear and unobstructed access to a public thoroughfare. (Ord. 8033 § 27)

5.24.175 Accommodation of parties when sites not available.
An auto and trailer park shall not accommodate any camping parties for whom there are no available camp sites in the camp. (Ord. 8033 § 29)

5.24.180 Streets to be paved.
All streets within the trailer park shall be paved with an asphaltic material or concrete. (Ord. 8033 § 28)

5.24.185 Street width.
Streets shall be at least 30 feet wide for collector streets:
A. Minor streets and drives shall be subject to the following formula, based upon the angle of parking of trailer coaches. In the case of varied parking, the widest angle shall determine the width of the street:
   1. Ninety-degree parking, 25 feet;
   2. Sixty-degree parking, 22 feet;
   3. Forty-five degree parking, 20 feet.
B. If parking is to be permitted on one side of a street, such street shall be at least 22 feet wide; if parking is to be permitted on both sides of a street, such street shall be at least 30 feet wide. (Ord. 8033 § 30)

5.24.190 Water closets—Generally.*
A. Number Required. For dependent trailers there shall not be less than one water closet in a separate compartment for each sex for the first 10 trailer sites or fractional part thereof not provided with a private water closet. There shall be one additional water closet for each sex in a separate compartment for every 10 additional trailer sites or fractional part thereof. In no event shall there be less than one toilet for each sex in any auto and trailer camp. The enforcement agency, when conditions warrant, may approve the installation and use of other types of toilet facilities. For independent trailers there shall not be less than one water closet for each sex for every 15 trailer sites or fractional part thereof.

B. Location of Toilet Facilities. All toilet facilities for dependent trailers shall not be farther than 200 feet from each trailer site. All toilet facilities for independent trailers shall not be farther than 500 feet from each trailer site.

C. Use of Toilets. Each toilet shall be for the exclusive use of the occupants of the camp sites in the auto and trailer park.

D. Width of Water Closet Compartments. Every water closet compartment in any building in an auto and trailer park shall be at least 30 inches in clear width. (Ord. 8033 § 58)

* As to cleanliness, maintenance and ventilation of water closet compartments, see Section 5.24.220.

5.24.195 Marking of water closets.
In every auto and trailer camp water closets for men shall be distinctly marked: “For Men”; and water closets for women shall be distinctly marked: “For Women.” In addition the location of water closets shall be plainly indicated by signs. (Ord. 8033 § 32)

5.24.200 Floors of water closet compartments to be waterproof.
The floor of every water closet compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the water closet compartment, to a height of not less than 12 inches above the floor. (Ord. 8033 § 33)

5.24.205 Water closet—Accessibility to tenants.
The public toilets shall be maintained readily accessible to all tenants at all times. (Ord. 8033 § 31)

5.24.210 Use of trailer coach toilets in auto camps.
It is unlawful for any person to use, or permit the use of, any toilet in any trailer coach located or camped within an auto and trailer park unless such toilet meets the requirements of the California Administrative Code, Title 8, Chapter 9, Article 3, and any subsequent amendments, and the community and economic development director is empowered to enforce such rules and regulations. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 34)

5.24.215 Bathing facilities.
A. Number Required; Doors; Location. In every auto and trailer park, shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments for every 15 or fractional part of 15 camp sites, for each sex. However, in no event shall there be less than one shower for each sex. Every compartment shall be provided with a self-closing door. All shower baths or other
bathing facilities provided herein shall not be farther than 200 feet from each camp site for dependent trailers, and not farther than 500 feet for independent trailers.

B. Floors of Shower Bath Compartments to be Waterproof. The floor of every shower bath compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor. (Ord. 8033 § 35)

5.24.220      Cleanliness, maintenance and ventilation of water closet and bathing compartments.*
Every water closet compartment or compartments containing bathing facilities shall be:
A. Kept clean;
B. Kept free from obnoxious odors, flies, mosquitoes or other insects;
C. Provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one water closet, bath or urinal, the total window area shall be equivalent to three square feet for each water closet, bath or urinal, but need not exceed one-fourth of the superficial floor area of the room;
D. Windows shall be screened with not less than 16-mesh metal screen. (Ord. 8033 § 36)

* As to water closets generally, see Sections 5.24.190 to 5.24.205 of this code.

5.24.225      Laundry compartment.
A. Generally. There shall be constructed in every trailer park a laundry compartment with not less than two laundry trays.
B. Construction of Floors and Lower Walls. The floors and at least 12 inches on the walls from the ground shall be constructed of approved masonry construction.
C. Window Area. Each laundry compartment shall have window area equal to at least one-eighth of the floor area, and in no case shall it be less than nine square feet.
D. Laundry Trays to be Supplied with Hot and Cold Water. The laundry trays shall be supplied with hot and cold water.
E. Facilities to Dry Clothes. In every auto and trailer park there shall be set aside a space convenient to the laundry facilities for the occupants of the camp sites to dry clothes. (Ord. 8033 § 37)

5.24.230      Slop sinks.
The shall be installed in every auto and trailer park one or more slop sinks, which shall be conveniently located within 100 feet of each trailer coach or camp site. (Ord. 8033 § 38)

5.24.235      Number of lavatories.
The shall not be less than one lavatory for each sex installed in every building in an auto and trailer park containing public toilets. (Ord. 8033 § 39)

5.24.240      Installation and maintenance of plumbing fixtures affecting sanitary drainage system.
All plumbing fixtures in every building in an auto and trailer park which affect its sanitary drainage system shall be installed and maintained as follows:
A. Each plumbing fixture shall be connected to a sanitary drainage system and shall be provided with a water-sealed trap;
B. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through;

C. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes;

D. Suitable and readily accessible cleanouts shall be placed at convenient points in the plumbing system of every building;

E. Whenever any plumbing fixture becomes insanitary the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this chapter;

F. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with municipal or sanitary district sewer, sewage, or waste may be discharged into a cesspool or into a septic tank constructed and maintained to the satisfaction of the enforcement agencies;

G. No sewage, waste water or any effluent shall be allowed to be deposited on the surface of the ground. (Ord. 8033 § 40)

5.24.245 Water supply.
A. Generally. There shall be in every auto and trailer park an adequate supply of pure water for all the requirements of the park. The water shall be obtainable from faucets installed within 100 feet of each part of the park.

B. Common Drinking Vessels Prohibited. No dipping vessels or cups for common use are permissible in any auto and trailer park.

C. Drinking Fountains. Drinking fountains shall be maintained in a sanitary condition and shall be of a type approved by the enforcement agency. (Ord. 8033 § 41)

5.24.250 Garbage cans.
In every auto and trailer park, one or more metal garbage cans with tight-fitting covers appropriately labeled, shall be provided for every six, or fractional part of six, trailer coaches or camp sites within the park. (Ord. 8033 § 43)

5.24.255 Disposal of garbage, waste and rubbish.
All garbage, waste and rubbish in every auto and trailer park shall be disposed of in the manner provided by city ordinance. (Ord. 8033 § 44)

5.24.260 Disposal of liquid wastes from coaches.
It is unlawful to permit any waste water or material from sinks or other plumbing fixtures in a trailer coach to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank. (Ord. 8033 § 45)

5.24.265 Care of land.
The area or tract of land upon which an auto and trailer park is maintained shall be:

A. Well drained and graded;

B. Kept free from dust;

C. Kept clean and free from the accumulation of refuse, garbage or debris. (Ord. 8033 § 46)
5.24.270 Space beneath trailer coaches to be kept clean.
The space beneath each trailer coach shall be kept clean and free from refuse, rubbish or other impediments. (Ord. 8033 § 47)

5.24.275 Dogs and barnyard animals not to run at large.
Dogs and barnyard animals, including poultry, shall not be permitted to run at large in any auto and trailer park. (Ord. 8033 § 53)

5.24.280 Location of storage and utilization vessels and regulators of liquefied petroleum gases.
A. No cylinder shall be located within a building enclosed on four sides, nor within a trailer coach, nor within five feet of a source of ignition; nor below ground, nor below ground level, nor with the outlet less than five feet away from any building opening which is below the level of such outlet. The discharge from safety valves shall be vented in such a manner as to prevent any impingement of escaping LPG upon the vessel and such discharge point shall be not less than five feet, measured horizontally from any building opening which is below such discharge.
B. Each tank shall be located with respect to the nearest source of ignition or line of property adjoining, which may be built upon, in accordance with the following table. Vessels and first-stage regulating equipment carrying more than 20 psi pressure shall be located outside the buildings, or trailer coaches, except as hereinafter provided. Each individual vessel shall be located with respect to the nearest important building or group of buildings or line of property adjoining, which may be built upon in accordance with the following table:

<table>
<thead>
<tr>
<th>VOLUMETRIC CAPACITY OF VESSELS (in U.S. gallons)</th>
<th>MINIMUM DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Not more than 500 U.S. gallons</td>
<td>10 feet</td>
</tr>
<tr>
<td>(2) 501 to 1,200 U.S. gallons</td>
<td>25 feet</td>
</tr>
<tr>
<td>(3) Over 1,200 U.S. gallons</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

C. Regulating or filling equipment on tanks filled on consumers' premises shall not be less than 15 feet from any opening into or under a building where such opening is below the level of the outlets of such regulating or filling equipment.
D. Readily ignitable material shall not be permitted within 10 feet of any vessel, regulator or vaporizer. (Ord. 8033 § 48)

5.24.285 Charging cylinders.
No cylinder shall be charged within 10 feet of any building or trailer coach in an auto and trailer park. (Ord. 8033 § 49)

5.24.290 Illumination.
In every auto and trailer park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers and the area or tract of land containing the auto and trailer park. (Ord. 8033 § 51)

5.24.295 Electric wiring, fixtures and equipment.
A. Generally. In any auto and trailer park, electrical wiring, fixtures and equipment shall be installed and maintained under provisions of the California Administrative Code, Title 8, Chapter 9, Article 5, and any subsequent amendments thereto.
B. Underground Wiring. In new trailer parks, or when major rewiring such as would require a permit is to be done in existing trailer parks, all wiring, including electrical and telephone service to the camp site...
shall be underground, installed and maintained under provisions of California Administrative Code, Title 8, Chapter 9, Article 5. (Ord. 8033 § 52)

5.24.300 Fire hydrants.
Each trailer park shall have at least one collector street upon which is located a fire hydrant in a location to be determined by the fire department. This provision may be met with a hydrant located on a public street fronting the property providing that no trailer site is further than 500 feet from such hydrant. (Ord. 8033 § 56)

5.24.305 Additional safety equipment.
The fire department of the city may require additional safety equipment and high pressure water outlets to be located within the trailer park. (Ord. 8033 § 57)

5.24.310 Landscaping.
Landscaping requirements shall have as a basic minimum a free standing fence, hedge or wall which is subject to the provisions of the Zoning Ordinance Title 21 and is adequate for screening and decorative purposes, to be constructed and maintained around the boundaries of the park. (Ord. 8033 § 55)

5.24.315 Employment of caretaker.
A. Required; Duties Generally. It shall be unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any auto and trailer camp, unless there is a caretaker in the camp at all times. The caretaker shall enforce within the camp the provisions of this chapter governing the operation and maintenance of auto and trailer camps.
B. Registration of Caretaker and Alternate; to be Authorized Representative of Owner. A caretaker and an alternate for each trailer park shall be registered with the office of the community and economic development director. The registration shall be accompanied by a signed statement from the owner of the trailer park giving authorization to the caretaker as his or her representative and agent responsible for compliance with this chapter. This shall not be construed as meaning that an owner may not register as his or her own caretaker.
C. Caretaker or Alternate’s Responsibility. The party registered as caretaker shall be responsible for the locating of any trailer on the site, electrical connections between the trailer and the electrical system of the park, including approved grounding of the trailer, the gas connection to the trailer, the sanitary connection from the trailer to the sewer system and a connection to the water supply. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 3, 1983; Ord. 8033 § 59)

5.24.320 Maintenance of register.
Every person who owns or operates an auto and trailer park shall keep a register in which shall be entered the following:
A. The name and address of each guest who is the owner or operator of an automobile and the name and address of each member of his or her party, for which space is rented in an auto and trailer park;
B. The make, type and license number of the automobile and trailer if any, and the state in which such vehicle is registered, and the year of registration. (Ord. 8033 § 50)

5.24.325 Adoption of applicable state law.
Division 13, Part 2, of the California Health and Safety Code, commonly known as the Trailer Park Act, and the California Administrative Code, Title 8, Chapter 9, Article 1, and any subsequent amendments, are made a part of this chapter the same as though specifically reenacted herein, as far as the same shall be applicable. (Ord. 8033 § 60)
5.24.330  Chapter not to be construed as less restrictive than state law.
No portion of this chapter shall be construed as allowing a less restrictive use of land within a trailer park than that which is allowed under the state Trailer Park Act and any subsequent amendments to such act. (Ord. 8033 § 61)

5.24.335  Authority to issue permits allowing variations.
Upon application, the community and economic development director and the health officer of the city may issue a permit for the operation of an auto or trailer park which permit may allow variations in specified respects from the requirements of this chapter, under the following conditions:
A. When the auto or trailer park is operated incidental to the operation of a fishing resort where boats are rented, and the auto or trailer park is not so located as to rely primarily on tourist travel for patronage;
B. Where such relaxation in the requirements of this chapter as the community and economic development director and the health officer may permit will not in fact endanger public health. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 3, 2003; Ord. 1261 § 6, 1983; Ord. 8033 § 42)

5.24.340  Violation of chapter.
Every person violating any provision of this chapter who has been served with written notice of such violation as prescribed in this chapter and who refuses to comply with such notice is guilty of a misdemeanor. (Ord. 8033 § 62)
Chapter 5.29

STATE VIDEO FRANCHISES

Sections:

5.29.010 Purpose.
5.29.020 Rights reserved.
5.29.030 Compliance with this chapter.
5.29.040 Definitions.
5.29.050 State video franchise fees.
5.29.060 PEG fees.
5.29.070 Payment of fees.
5.29.080 Audit authority.
5.29.090 Late payments.
5.29.100 Lease of city-owned network.
5.29.110 Customer service standards and penalties.
5.29.120 City response to state video franchise applications.
5.29.130 Construction in the public rights-of-way.
5.29.140 Permits.
5.29.150 Right-of-way management.
5.29.160 Emergency alert systems.
5.29.170 Interconnection for PEG programming.

5.29.010 Purpose.
This chapter is applicable to all video service providers who are eligible for, and have been awarded, a state video franchise under the California Public Utilities Code Section 5800 et seq. (the Digital Infrastructure and Video Competition Act of 2006), to provide video services in any portion of the city. (Ord. NS-848 § 1, 2007)

5.29.020 Rights reserved.
The rights reserved to the city under this chapter are in addition to all other rights of the city whether reserved by this chapter or authorized by other applicable law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the city. (Ord. NS-848 § 1, 2007)

5.29.030 Compliance with this chapter.
Nothing contained in this chapter exempts a state franchise holder from compliance with all ordinances, rules or regulations of the city now in effect or which may be hereafter adopted which are not inconsistent with this chapter or California Public Utilities Code Section 5800 et seq., or obligations under any franchise previously issued by the city, insofar as those may be enforced under California Public Utilities Code Section 5800. (Ord. NS-848 § 1, 2007)

5.29.040 Definitions.
For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this chapter. Unless otherwise expressly stated, words not defined in this chapter shall be given the meaning set forth in the Digital Infrastructure and Video Competition Act of 2006, Division 2.5 of the California Public Utilities Code, Section 5800 et seq. (“DIVCA”). When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and “including” and “include” are not limiting. The word “shall” is always mandatory.

“Access channel” means any channel on a cable system or video system set aside by a state franchise holder for public, educational, or governmental use.
“Applicable law” means all lawfully enacted and applicable federal, state, and city laws, ordinances, codes, rules, regulations and orders as the same may be amended or adopted from time to time.

“Applicant” means any person submitting any application required under Division 2.5 of the California Public Utilities Code.

“Cable service” means: (1) the one-way transmission to subscribers of video programming or other programming services; and (2) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

“City” means the City of Carlsbad, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated. Any act that may be taken by the city may be taken by the city council or any agency, department, agent or other entity now or hereafter authorized by the city council to act on the city’s behalf.

“City council” means the governing body of the City of Carlsbad, California.

“City director of public works” means the director of public works of the City of Carlsbad or designated representative.

“City manager” means the city’s chief executive officer or any designee thereof.

“Construction,” “operation,” or “repair” and similar formulations of those terms mean the named actions interpreted broadly, encompassing, among other things, installation, extension, maintenance, replacement of components, relocation, undergrounding, grading, site preparation, adjusting, testing, make-ready, excavation and tree trimming. The term “operation” does not encompass or regulate the provision of services, but refers to activities affecting rights-of-way and other property subject to the jurisdiction of the city.

“DIVCA” means the Digital Infrastructure and Video Competition Act of 2006, Division 2.5 of the California Public Utilities Code, Section 5800 et seq., as may be amended from time to time.

“Gross revenues” means all revenues (whether in the form of cash or other consideration) of a state franchise holder or its affiliates in any way derived from its operations within the city.

“Incumbent cable operator” shall have the same meaning as in DIVCA.

“Network” shall have the same meaning as in DIVCA.

“PEG” or “public, educational, and governmental” shall have the same meaning as in DIVCA.

“Person” means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts and societies. The term does not include the city.

“Public rights-of-way” shall have the same meaning as in DIVCA.

“State franchise” or “state video franchise” means a franchise issued by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in DIVCA, within any portion of the city.

“State franchise holder” or “state video franchise holder” means a person who holds a state franchise.

“Subscriber” means the city or any person who legally receives any cable service or video service from a state franchise holder delivered over that state franchise holder’s network.

“User” means a person or the city utilizing a channel, capacity or equipment and facilities for purposes of producing or transmitting material, as contrasted with the receipt thereof in the capacity of a subscriber.

“Video service” shall have the same meaning as in DIVCA. (Ord. NS-848 § 1, 2007)

5.29.050 State video franchise fees.
For any state video franchise holder operating within the boundaries of the city, there shall be a state franchise fee paid to the city equal to five percent of the gross revenues of that state video franchise holder or
any affiliate that are subject to a franchise fee under California Public Utilities Code Section 5860. (Ord. NS-848 § 1, 2007)

5.29.060 PEG fees.
A. For any state video franchise holder operating within the boundaries of the City of Carlsbad, there shall be a PEG fee paid to the city equal to one percent of the gross revenues of that state video franchise holder or any affiliate that are subject to a franchise fee under California Public Utilities Code Section 5860.
B. PEG fees shall be used to support PEG channel facilities consistent with applicable federal and state law. (Ord. NS-848 § 1, 2007)

5.29.070 Payment of fees.
The state franchise fee required pursuant to Section 5.29.050, and the PEG fee required pursuant to Section 5.29.060, shall each be paid to the city quarterly, in a manner consistent with California Public Utilities Code Section 5860. The state franchise holder shall deliver to the city, by check or other means specified by the city, a payment for the state franchise fee and a separate payment for the PEG fee not later than 45 days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, containing such information as the city manager or designee may require consistent with DIVCA. Unless the city manager or designee provides otherwise, the summary statement shall identify:
A. Revenues received from subscribers, by category, with service revenues broken out by service levels;
B. Any charges to subscribers for which revenues were received, but on which a franchise fee was not paid;
C. Where the fee is paid on an allocated portion of revenues received, the total revenues received; the allocation factor; and how the allocation factor was calculated. (Ord. NS-848 § 1, 2007)

5.29.080 Audit authority.
The city may examine and perform an audit of the business records of a holder of a state video franchise to ensure compliance with Sections 5.29.050 and 5.29.060, in a manner consistent with California Public Utilities Code Section 5860(i). (Ord. NS-848 § 1, 2007)

5.29.090 Late payments.
In the event a state franchise holder fails to make payments required by this chapter on or before the due dates specified in this chapter, the city shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent. (Ord. NS-848 § 1, 2007)

5.29.100 Lease of city-owned network.
In the event a state franchise holder leases access to a network owned by the city, the city may set a franchise fee for access to the city-owned network separate and apart from the franchise fee charged to state franchise holders pursuant to Section 5.29.050, which fee shall otherwise be payable in accordance with the procedures established by this chapter. (Ord. NS-848 § 1, 2007)

5.29.110 Customer service standards and penalties.
A. The holder of a state video franchise shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of cable or video service, including, to the extent consistent with California Public Utilities Code Section 5900, all existing and subsequently enacted customer service and consumer protection standards established by state and federal law and regulation.
B. City manager or designee shall monitor and enforce the compliance of state video franchise holders with respect to state and federal customer service and protection standards. City manager or designee will provide the state video franchise holder written notice of any material breaches of applicable customer and service standards, and will allow the state video franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied within the 30-day time period will be subject to the following penalties to be imposed by the city manager or designee:

1. For the first occurrence of a violation, a fine of $500.00 shall be imposed for each day the violation remains in effect, not to exceed $1,500.00 for each violation.

2. For a second violation of the same nature within 12 months, a fine of $1,000.00 shall be imposed for each day the violation remains in effect, not to exceed $3,000.00 for each violation.

3. For a third or further violation of the same nature within 12 months, a fine of $2,500.00 shall be imposed for each day the violation remains in effect, not to exceed $7,500.00 for each violation.

C. A state video franchise holder may appeal a penalty assessed by the city manager or designee to the city council within 60 days. After relevant speakers are heard, and any necessary staff reports are submitted, city council will vote to either uphold or vacate the penalty. City council’s decision on the imposition of a penalty shall be final. (Ord. NS-848 § 1, 2007)

5.29.120 City response to state video franchise applications.
A. Each state franchise holder or applicant for a state franchise to provide video or cable service within the boundaries of the City of Carlsbad must concurrently provide complete copies to the city of any notice, application or amendments to applications filed with the PUC. One complete copy must be provided to the city clerk, and one complete copy to the city manager of City of Carlsbad.

B. City manager will provide any appropriate comments to the PUC regarding any notice, application or amendment to an application for a state video franchise. (Ord. NS-848 § 1, 2007)

5.29.130 Construction in the public rights-of-way.
Except as expressly provided in this chapter, the provisions of Title 11 of this code, and all city administrative rules and regulations developed pursuant to Title 11, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder in any public rights-of-way. (Ord. NS-848 § 1, 2007)

5.29.140 Permits.
A. Prior to commencing any work for which a permit is required by Title 11 of this code, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of Title 11. A permit application is complete when the state franchise holder has complied with all applicable laws and regulations, including but not limited to all city administrative rules and regulations, and all applicable requirements of Division 13 of the California Public Resources Code, Section 21000, et seq. (the California Environmental Quality Act).

B. The city director of public works shall either approve or deny a state franchise holder’s application for any permit required under Division 1 of this title within 60 days of receiving a complete permit application from the state franchise holder.

C. If the city director of public works denies a state franchise holder’s application for a permit, the director of public works shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

D. A state franchise holder that has been denied a permit by final decision of the city director of public works may appeal the denial to the city council, pursuant to the procedure proscribed in Section 11.16.120 of this code.
5.29.150 Right-of-way management.

A. A state franchise holder shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different or additional poles, conduits or other facilities whether on public property or on privately owned property unless and until first securing the written approval of the city manager. Whenever the state franchise holder shall not utilize existing poles, conduits and other facilities, or whenever existing conduits and other facilities shall be located beneath the surface of the streets, or whenever the city shall undertake a program designed to cause all conduits and other facilities to be located beneath the surface of the streets in any area or throughout the city, in the exercise of its police power or pursuant to the terms hereof, upon reasonable notice to grantee, any such conduits or other facilities of the state franchise holder shall be constructed, installed, placed or replaced beneath the surface of the streets. Any construction, installation, placement, replacement or changes which may be so required shall be made at the expense of state franchise holder whose costs shall be determined as in the case of public utilities.

B. In those areas of the city where the transmission or distribution facilities of the respective public utilities providing telephone, communication and electric services are underground or hereafter are placed underground, each state franchise holder shall likewise shall construct, operate and maintain all of its network facilities underground. The term "underground" includes a partial underground system; provided, that upon obtaining the written approval of the city manager, passive devices, power supplies and other equipment in the grantee’s network may be placed in appropriate housings upon the surface of the ground, subject to applicable provisions of the city code, regulations, and practices.

C. A state franchise holder, at its expense, shall protect, support, temporarily disconnect, relocate or remove any network property of the state franchise holder when, in the opinion of the city manager, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks or any other type of structure or improvements by governmental agencies whether acting in a governmental or proprietary capacity, or any other structure of public improvement, including, but not limited to, movement of buildings, urban renewal development and any general program under which the city shall undertake to cause all such properties to be located beneath the surface of the ground. The state franchise holder shall in all cases have the privilege, subject to the corresponding obligations, to abandon any network property in place, as herein provided. Nothing hereunder shall be deemed a taking of the property of the state franchise holder, and the grantee shall be entitled to no surcharge by reason of anything hereunder.

D. Upon the failure, refusal or neglect of the state franchise holder to cause any work or other act required by law or hereunder to be properly complete in, on, over or under any street within any time prescribed therefor, or upon notice given, where no time is prescribed, the city manager may cause such work or other act to be completed in whole or in part, and upon so doing, shall submit to grantee an itemized statement of the costs thereof. The grantee shall, within 30 days after receipt of such statement, pay to the city the entire amount thereof.

E. In the event that the use of any part of the state franchise holder’s network is discontinued for any reason for a continuous period of 30 days, without prior written notice to and approval by the city; or any part of such network has been installed in any street or other area without complying with the requirements hereof; then the state franchise holder shall, at the option of the city, and at the expense of the state franchise holder and at no expense to the city, and upon demand of the city, promptly remove from any streets or other area any such network property, and the state franchise holder shall promptly
5.29.160

The city council may, upon written application therefor by the state franchise holder, approve the abandonment of any of such property in place by the state franchise holder and under such terms and conditions as the city council may prescribe. Upon abandonment of any such network property in place, the state franchise holder shall cause to be executed, acknowledged and delivered to the city such instruments as the city attorney shall prescribe and approve, transferring and conveying the ownership of such property to the city. (Ord. NS-848 § 1, 2007)

5.29.160 Emergency alert systems.
Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network. (Ord. NS-848 § 1, 2007)

5.29.170 Interconnection for PEG programming.
Each state franchise holder, and each incumbent cable operator, shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code Section 5870(h). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement, the city may require the incumbent cable operator to allow the state franchise holder to interconnect its network with the incumbent cable operator’s network at a technically feasible point on the state franchise holder’s network as identified by the state franchise holder. If no technically feasible point for interconnection is available, each state franchise holder will make an interconnection available to each channel originator providing PEG programming to an incumbent cable operator, and will provide the facilities necessary for the interconnection. The cost of any interconnection will be borne by the state franchise holder requesting the interconnection unless otherwise agreed to by the state franchise holder and the incumbent cable operator. (Ord. NS-848 § 1, 2007)
Chapter 5.30

INSPECTION OF AVOCADOS

Sections:
5.30.010  Purpose and intent.
5.30.020  Definitions.
5.30.030  Statement of ownership.
5.30.040  Obtaining and retaining the statement of ownership.
5.30.050  Presentation of statement of ownership.
5.30.060  Seizure and impoundment.
5.30.070  Investigation and release to rightful owner.
5.30.080  Disposition by sale.
5.30.090  Exemption.
5.30.100  Violation.

5.30.010  Purpose and intent.
It is the purpose and intent of this chapter to establish a means of identifying the owner of each commercial quantity of avocados so as to provide a means of controlling the alarming incidence of thefts of avocados within the city. (Ord. 6053 § 1, 1974)

5.30.020  Definitions.
Whenever in this chapter the following words or phrases are used, they shall be interpreted as follows:
“Commercial quantity of avocados” means any quantity of avocados in excess of 40 pounds, exclusive of the container.
“Handler” means any person or authorized agent thereof who grows, distributes or retails avocados, including but not limited to, growers, packers and wholesale or retail fruitstands.
“Sheriff” means the chief of police of the city and includes the sheriff of the county or any of the chief’s duly appointed deputies.
“Transport” means the movement or conveyance by any means whatsoever of a commercial quantity of avocados over any road, street or highway within the city. (Ord. 6053 § 1, 1974)

5.30.030  Statement of ownership.
Every person who transports a commercial quantity of avocados shall cause a statement of ownership to be prepared and retained in his or her personal possession at all times while transporting the avocados and deliver a copy of such statement to each handler of the avocados being transported. Such statement of ownership shall contain the following information:
A. The name, address and telephone number of each person who transports the avocados;
B. The name, address and telephone number of each handler of the avocados;
C. The date transportation of the avocados begins and estimated time of delivery;
D. The kind and quantity of avocados being transported;
E. Points of origin and destination. (Ord. 6053 § 1, 1974)

5.30.040  Obtaining and retaining the statement of ownership.
Every handler who delivers or receives a commercial quantity of avocados shall obtain a copy of the statement of ownership from the person transporting the avocados. The person transporting the avocados and each handler shall retain a copy of each statement of ownership for one year following the date the transpor-
tation of the avocados begins and shall maintain the same for inspection and review at any reasonable time
by the sheriff upon his or her request. (Ord. 6053 § 1, 1974)

5.30.050  Presentation of statement of ownership.
Any peace officer, upon probable cause to believe a person is transporting a commercial quantity of avoca-
dos, may stop such person and inspect such avocados, whereupon the statement of ownership described in
Section 5.30.030 shall be presented to the peace officer upon request. (Ord. 6053 § 1, 1974)

5.30.060  Seizure and impoundment.
Any peace officer, upon reasonable belief that a person is not in legal possession of a commercial quantity
of avocados, may seize such avocados without warrant. Upon seizure, the peace officer shall take custody
of the avocados and turn the same over to the custody of the sheriff. The sheriff shall receive and provide for
the care and safekeeping of such avocados in a refrigerated storage facility at a temperature range of ap-
proximately 40 degrees Fahrenheit. (Ord. 6053 § 1, 1974)

5.30.070  Investigation and release to rightful owner.
The sheriff shall make reasonable investigation to ascertain ownership of all commercial quantities of avo-
cados seized pursuant to this chapter. The sheriff shall release custody of the avocados to the rightful owner
upon submission to the sheriff of satisfactory proof of ownership and after payment of a reasonable charge
sufficient to reimburse the sheriff for costs incurred in storing the avocados. (Ord. 6053 § 1, 1974)

5.30.080  Disposition by sale.
If for any reason a commercial quantity of avocados is not released to its rightful owner after being in the
custody of the sheriff for five days, the sheriff may sell the avocados by public auction in the manner and
upon the notice of sale as prescribed by law for the sale of perishable property under execution. All of the
avocados remaining unsold after being offered at such public auction may be destroyed or otherwise dis-
posed of by the sheriff. All proceeds derived from the sale of the avocados shall be held by the sheriff for a
period of at least six months, during which time the rightful owner of the avocados may submit satisfactory
proof of ownership and obtain possession of the proceeds after payment of a reasonable charge sufficient to
reimburse the sheriff for costs incurred in storing and sale of the avocados. After retention of the proceeds
for a period of at least six months, the sheriff shall deposit the proceeds in the general fund of the city. (Ord.
6053 § 1, 1974)

5.30.090  Exemption.
This chapter shall not apply to the transportation of a commercial quantity of avocados which has been certi-
fied pursuant to Article 2 (commencing with Section 44971), Chapter 9, Division 17 of the Food and Agricul-
tural Code. (Ord. 6053 § 1, 1974)

5.30.100  Violation.
A. Any person who knowingly provides false information for a statement of ownership, includes false in-
formation in a statement of ownership, or alters information contained in a statement of ownership or
any copy thereof is guilty of a misdemeanor.
B. Any person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 6053 § 1, 1974)
Chapter 5.50

FORTUNETELLLING AND RELATED OCCUPATIONS

Sections:
  5.50.010 Definitions.
  5.50.020 Permit required.
  5.50.030 Permit application.
  5.50.040 Permit investigation.
  5.50.050 Fee required.
  5.50.060 Term of the permit.
  5.50.070 Revocation of permit.
  5.50.080 Renewal of fortunetelling license.
  5.50.090 Issuance of permit after revocation.
  5.50.100 Exception—Entertainment.
  5.50.110 Exception—Religious practices.

5.50.010 Definitions.
For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless from the context a different or contrary meaning is clearly intended:

"For pay" shall mean for a fee, reward, donation, loan, or receipt or anything of value.

"Fortunetelling" shall mean telling of fortunes, forecasting of futures or furnishing of any information not otherwise obtainable by the ordinary process of knowledge by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic of any kind or nature. (Ord. 6077 § 2, 1985)

5.50.020 Permit required.
No person shall conduct, engage in, carry on, participate in, advertise or practice fortunetelling or cause the same to be done for pay without having first obtained a permit from the chief of police and a business license from the license collector. Any permit issued pursuant to this chapter shall be valid for one year from the date of issuance unless suspended or revoked. (Ord. 6077 § 2, 1985)

5.50.030 Permit application.
Each application for a fortunetelling permit shall be submitted to the chief of police on a form provided by the police chief and shall contain the following information:

A. The name, home and business address and home and business phone number of the applicant;
B. A record of convictions of violations of law of the applicant and of any person who is employed by the applicant to conduct or conducts fortunetelling on behalf of the applicant;
C. A set of fingerprints and current photograph of the applicant and of any person who is employed by the applicant to conduct or conducts fortunetelling on behalf of the applicant;
D. The address, city and state, and approximate dates where and when the applicant and any person employed by the applicant to conduct or conducting fortunetelling on behalf of the applicant practiced a similar business either alone or in conjunction with others;
E. A site plan showing the location of the business and the interior layout;
F. An application fee of $150.00. (Ord. 6077 § 2, 1985)
5.50.040 Permit investigation.
Upon receipt of a complete application and fee the police chief shall, within a reasonable period of time not to exceed 30 days, conduct an investigation to verify the facts contained in the application and shall grant a fortunetelling permit if the chief makes all of the following findings:

A. That all the information contained in the application and supporting data is true;
B. The applicant or any person employed by the applicant to conduct or conducting fortunetelling on behalf of the applicant has not, within the previous two years, been convicted of any violation of this chapter or any law relating to fraud or moral turpitude;
C. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws;
D. The city planner has certified that the business location complies with the provisions of Title 21 of this code. (Ord. CS-164 § 10, 2011; Ord. NS-676 § 4, 2003; Ord. 6077 § 2, 1985)

5.50.050 Fee required.
A fortunetelling permit shall be issued only after the applicant has paid the license fee required by Section 5.08.160. (Ord. 6077 § 2, 1985)

5.50.060 Term of the permit.
A fortunetelling permit shall be valid for the same period of time and shall run concurrently with the term of the regular business license issued for the fortunetelling business. (Ord. 6077 § 2, 1985)

5.50.070 Revocation of permit.
A fortunetelling permit may be revoked at any time by the chief of police after providing not less than 10 days’ notice and a hearing to the applicant. A permit may be revoked if the applicant or any person employed by the applicant to conduct or conducting fortunetelling on behalf of the applicant violates any provision of this chapter or, if during the permit period, any event occurs which would disqualify the applicant from the issuance of a permit. (Ord. 6077 § 2, 1985)

5.50.080 Renewal of fortunetelling license.
If on or before the 45th day prior to the expiration of a currently valid fortunetelling permit the permittee applies for the renewal of the permit the police chief shall grant such renewal, provided the chief finds that all the facts set forth in the original application are substantially the same and provided that such application is accompanied by a fee in the amount of $50.00, no part of which is refundable. If all facts set forth in the original application are not substantially the same, the applicant for renewal shall comply with all requirements set forth in the chapter for an initial application for a permit. (Ord. 6077 § 2, 1985)

5.50.090 Issuance of permit after revocation.
If a permittee has had a permit revoked under Section 5.50.070 of this chapter, a new permit shall not be issued unless the permittee qualifies for a new permit under this chapter and in addition posts with the city clerk a surety bond in the principal amount of $5,000.00 executed as surety by good and sufficient corporate surety doing business in the state and as a principle by the applicant. The form of the bond shall be approved by the city attorney and shall be given to ensure good faith and fair dealing on the part of the applicant as a guarantee of indemnity for any and all loss, damage, theft or other unfair dealing suffered by any patron or customer of the applicant within the city during the term of the permit. (Ord. 6077 § 2, 1985)

5.50.100 Exception—Entertainment.
The provisions of this chapter shall not apply to any person engaged solely in the business of entertaining the public by demonstration of mindreading, mental telepathy, thought conveyance, or the giving of horoscope readings in public places and in the presence of or within the hearing of all other persons in atten-
dance and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at the public place to hear such answers. (Ord. 6077 § 2, 1985)

5.50.110 Exception—Religious practices.
No person shall be required to pay any fee or take out any permit for conducting or participating in any religious ceremony or service when such person holds a certificate or ordination as a minister, missionary, medium, healer or clairvoyant (hereinafter collectively referred to as minister) from any bona fide church or religious association maintaining a church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith provided that:

A. Except as provided in subsection B of this section, the fees, gratuities, emoluments and profits thereof shall be regularly accounted for and paid solely to and for the benefit of the bona fide church or religious association, as defined in this section;

B. Such bona fide church or religious association, as defined in this section, may pay to its ministers a salary or compensation based on a percentage basis pursuant to an agreement between the church and the minister which is embodied in a resolution and transcribed in the minutes of said church or religious organization. (Ord. 6077 § 2, 1985)
Chapter 5.60

SHORT-TERM VACATION RENTALS

Sections:
5.60.010 Purpose.
5.60.020 Definitions.
5.60.030 Short-term vacation rentals.
5.60.040 Authorized agent.
5.60.050 Permit required.
5.60.060 Obtaining and renewing a short-term vacation rental permit.
5.60.070 Operational requirements.
5.60.080 Penalties and enforcement.
5.60.090 Interpretation.
5.60.100 Constitutionality.

5.60.010 Purpose.
A. The purpose of this chapter is to establish regulations for short-term vacation rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Carlsbad by minimizing negative secondary effects related to short-term vacation rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse; and to ensure that the city is collecting transient occupancy tax pursuant to Chapter 3.12 of this code, and the Carlsbad Tourism and Business Improvement District assessment pursuant to Chapter 3.37 of this code.
B. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any deed restrictions or private conditions, covenants and restrictions applicable to the owner’s property that may prohibit the use of such owner’s residential property for short-term vacation rental purposes as defined in this chapter. Short-term vacation rentals are not permitted in dwelling units that have deed restrictions for affordable housing purposes or have other city imposed conditions of approval or restrictions which prohibit the use of said dwelling unit as a short-term vacation rental as defined herein. (Ord. CS-272 § I, 2015)

5.60.020 Definitions.
“Broker” means any entity or person, including but not limited to, on-line websites, on-line travel agencies, and on-line booking agents, that offers, lists, advertises, accepts reservations and/or collects whole or partial payment for a short-term vacation rental unit.
“Owner” means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term vacation rental.
“Short-term vacation rental” is defined as the rental of any legally permitted dwelling unit as that term is defined in Chapter 21.04, Section 21.04.120 of this code, or any portion of any legally permitted dwelling unit for occupancy for dwelling, lodging or sleeping purposes for a period of less than 30 consecutive calendar days. Short-term vacation rental includes any contract or agreement that initially defined the rental term to be greater than 30 consecutive days and which was subsequently amended, either orally or in writing to permit the occupant(s) of the owner’s short-term vacation rental to surrender the subject dwelling unit before the expiration of the initial rental term that results in an actual rental term of less than 30 consecutive days. (Ord. CS-272 § I, 2015)

5.60.030 Short-term vacation rentals.
Short-term vacation rentals which comply with the requirements of this chapter are permitted only in the coastal zone. (Ord. CS-272 § I, 2015)
5.60.040 Authorized agent.
A. An owner may in writing authorize an agent to comply with the requirements of this chapter on behalf of the owner. The authorized agent shall submit a copy of the authorization to the city during the initial permit and all renewal permit process(es).
B. Notwithstanding subsection A of this section, the owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit, regardless of whether such noncompliance was committed by the owner's authorized agent or the occupants of the owner's short-term vacation rental unit or their guests. (Ord. CS-272 § I, 2015)

5.60.050 Permit required.
A. The owner or owner’s authorized agent is required to obtain a short-term vacation rental permit and a business license from the city before renting or advertising the availability of a short-term vacation rental unit.
B. A short-term vacation rental permit shall be valid for one calendar year from the date of issuance and must be renewed annually thereafter.
C. Every broker shall ensure that each short-term vacation rental is registered with the city prior to listing or advertising said property for rent.
D. The requirement for a short-term vacation rental permit shall be based on the actual duration of the rental period and not the stated time period of the reservation, rental, or lease agreement. (Ord. CS-272 § I, 2015)

5.60.060 Obtaining and renewing a short-term vacation rental permit.
A. The owner or owner’s authorized agent must submit the following information on a short-term vacation rental permit application form provided by the city:
   1. The name, address and telephone number of the owner of the short-term vacation rental unit.
   2. If applicable, the name, address and telephone number of the authorized agent of the owner of the short-term vacation rental unit.
   3. The name, address and telephone number of a local contact person who shall be available 24 hours per day, seven days per week for the purpose of responding within 45 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term vacation rental unit or their guests.
   4. The address of the proposed short-term vacation rental unit, all Internet listing sites for the short-term vacation rental unit and all listing numbers.
   5. The number of bedrooms in the short-term vacation rental unit.
   6. Acknowledgement of receipt of the city’s “Good Neighbor” brochure.
   7. Such other information as the city manager or designee deems reasonably necessary to administer this chapter.
B. Any fee for a short-term vacation rental permit shall be established by resolution of the city council.
C. Any false statements or false information provided in the application for a short-term vacation rental permit are grounds for denial of a permit(s), permit revocation and/or imposition of penalties as outlined in this chapter.
D. A short-term vacation rental permit application may be denied if the owner has had a prior short-term vacation rental permit revoked within the past 12 calendar months for the same or other short-term vacation rental units.
E. Short-term vacation rental permit holders must comply with the provisions of Carlsbad Municipal Code Chapter 3.12 regarding the collection and remittance of transient occupancy taxes and the collection and remittance of Chapter 3.37 regarding Carlsbad Tourism and Business Improvement District assessments. Failure to comply with these provisions may result in revocation of a short-term vacation rental permit. A broker that collects any revenue from arranging or listing a short-term rental unit shall have primary responsibility for collecting, paying and transmitting all revenues due to the city pursuant to this section. (Ord. CS-272 § I, 2015)

5.60.070 Operational requirements.
A. The owner and/or owner’s authorized agent shall use reasonably prudent business practices to ensure that the short-term vacation rental unit is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term vacation rental unit.
B. While a short-term vacation rental unit is rented, a local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 45 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term vacation rental unit or their guests.
C. The owner or owner’s authorized agent shall post the short-term vacation rental permit on the exterior of the unit within plain view for the general public with the 24-hour, seven-day local contact phone number for complaints. The permit shall be displayed at all times the unit is used as a short-term vacation rental.
D. The owner or the owner’s authorized agent shall, upon notification that any occupant or guest of the short-term vacation rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental unit, respond in a timely and appropriate manner to immediately halt or prevent a recurrence of such conduct. Failure of the owner or the owner’s authorized agent to respond to such calls or complaints regarding the condition, operation, or conduct of the occupants and/or guests of the short-term vacation rental in a timely and appropriate manner shall subject the owner to all administrative, legal and equitable remedies available to the city.
E. The owner and/or the owner’s authorized agent shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term vacation rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term vacation rental unit.
F. No amplified or reproduced sound shall be used outside or audible from the property line of any short-term vacation rental unit between the hours of 10:00 p.m. and 10:00 a.m.
G. The owner and/or owner’s authorized agent shall use reasonably prudent business practices to ensure that the short-term vacation rental unit is used for residential purposes only.
H. Prior to occupancy of a short-term vacation rental unit, the owner or the owner’s authorized agent shall:
1. Obtain the contact information of the renter.
2. Provide a copy of the “Good Neighbor” brochure containing these requirements to the renter.
3. Require the renter to execute a formal acknowledgment that he or she is legally responsible for compliance by all occupants of the short-term vacation rental unit and their guests with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term vacation rental unit.
4. The information required in paragraphs 1 and 3 of this subsection shall be maintained by the owner or the owner's authorized agent for a period of three years and be made available upon request to any officer of the city responsible for the enforcement of any provision of the municipal code or any other applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental unit.
I. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the city’s authorized waste hauler on scheduled trash collection days.

J. On-site parking shall be allowed on approved driveway, garage, and/or carport areas only. Parking of over-sized vehicles must comply with the provisions of Section 10.40.180.

K. The number of occupants allowed to occupy any given short-term vacation rental unit shall be limited to two people per bedroom or studio plus one person per unit.

L. The city manager, or designee, shall have the authority to impose additional conditions on the use of any given short-term vacation rental unit to ensure that any potential secondary effects unique to the subject short-term vacation rental unit are avoided or adequately mitigated.

M. The owner or owner’s authorized agent shall post the current short-term vacation rental permit number on or in any advertisement appearing in any written publication or on any website that promotes the availability or existence of a short-term vacation rental unit. (Ord. CS-272 § I, 2015)

5.60.080 Penalties and enforcement.
A. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor punishable pursuant to Chapter 1.08 or Chapter 1.10 of this code.

B. In addition to any penalties imposed pursuant to Chapters 1.08 and 1.10 of this code, the city manager, or designee, may impose additional conditions on the use of any short-term vacation rental permit pursuant to Section 5.60.070(L) above; or suspend or revoke any short-term vacation rental permit commensurate with the severity of the violation(s).

C. Except as otherwise provided, enforcement of this chapter is at the sole discretion of the persons authorized to enforce this chapter. Nothing in this chapter shall create a right of action in any person against the city or its agents for damages or to compel public enforcement of this chapter against private parties.

D. Pursuant to Subsection 1.08.010(C) of this code, each and every day during any portion of which any violation of this code or any other ordinance of the city is committed, continued or permitted shall be a separate offense.

E. In accordance with the provisions of Section 3.36.040, the owner of a short-term vacation rental may be billed for law enforcement services when a second or subsequent police response is required at the short-term vacation rental unit due to a party when the police officer determines that continued activity is a threat to the peace, health, safety or general welfare of the public. (Ord. CS-272 § I, 2015)

5.60.090 Interpretation.
This chapter shall be construed liberally in favor of regulation as determined if necessary and appropriate by the city manager for the public protection and welfare and in order to accomplish its purpose and intent. (Ord. CS-272 § I, 2015)

5.60.100 Constitutionality.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted the chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. CS-272 § I, 2015)
Title 6

HEALTH AND SANITATION

Chapters:

6.02  County Code—Health and Sanitation
6.03  Hazardous Materials
6.04  Emergency Services
6.06  Emergency Medical Transportation Service
6.08  Solid Waste
6.10  Prescription Drug Drop Boxes
6.12  Junk
6.14  Prohibition of Smoking in Unenclosed Dining Areas
6.15  Alcoholic Beverage Warning
6.16  Nuisances
6.17  Urinating or Defecating in Public
6.18  Electronic Cigarettes
Chapter 6.02

COUNTY CODE—HEALTH AND SANITATION

Sections:

6.02.010 Adopted by reference—Interpretation.
6.02.020 Violation.
6.02.030 Health permit fees.
6.02.040 Operation of mobile food preparation units.

6.02.010 Adopted by reference—Interpretation.
A. The following divisions and chapters of Title 6 of the San Diego County Code of Regulatory Ordinances, as amended, and relating to the subjects of health and sanitation are adopted by reference as part of this code:

Division 1 Food
Division 4 Disease Control
Division 5 Permit Fees and Procedures for Businesses and Health Regulated Activities
Division 6 (Limited only to the following chapters):
  Chapter 1 Applications, Permits and Fees
  Chapter 6 Bathhouses
  Chapter 9 Enforcement of State Housing Law
  Chapter 10 Permits for Apartments and Hotels
Division 7 (Limited only to the following chapters):
  Chapter 3 Public Swimming Pool Plans
  Chapter 4 Wells
Division 8 (Limited only to the following chapters):
  Chapter 3 Septic Tanks and Seepage Pits
  Chapter 6 Septic Tanks and Cesspool Cleaners
  Chapter 12 Medical Wastes
Division 9 Unsanitary Premises

B. Title 6, Division 1, Chapter 1, Section 61.101, of the San Diego County Code of Regulatory Ordinances, as amended by Ord. 10218 (N.S.), effective 8-25-12, relating to mobile food facilities specifically establishing a grading system similar to that used to rate restaurants is adopted by reference and incorporated as part of this code, except that whatever provisions thereof refer to a County of San Diego board, territory, area, agency, official, employee, or otherwise it shall mean the corresponding board, territory, area, agency, official, employee, or otherwise of the city, and if there is none, it shall mean that the county is acting in the same capacity on behalf of the city. A copy of the referenced County of San Diego ordinance is on file in the city clerk’s office.

C. The definition of “apartment house” in Section 66.1001 of Division 6 of Title 6 of the County Code of Regulatory Ordinances shall not include an ownership on an occupied condominium. “Condominium” is defined as an estate of real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such property.

D. Section 67.301 of Division 7 of Title 6 (Review of Plans for Public Swimming Pools—Fee) is not adopted. (Ord. CS-198 § 1, 2012; Ord. NS-558 § 3, 2000)

6.02.020 Violation.
The provisions of Chapter 1.08 of this code shall apply to any violation of this chapter. When County of San Diego, Department of Environmental Health (DEH) initiates an enforcement action against a person operat-
ing a mobile food facility without a permit required by California Retail Food Code (CRFC), pursuant to County Code of Regulations Section 61.105, the department may recover its enforcement costs from the violator, up to a maximum of three times the cost of the permit. After the enforcement activity has been completed, DEH may send the violator a penalty assessment for its enforcement costs. The violator shall pay the assessment within 15 days from the date of the assessment or at the time the violator applies for the permit, whichever occurs first. (Ord. CS-198 § 1, 2012; Ord. NS-558 § 3, 2000)

6.02.030 Health permit fees.
All persons and businesses required to obtain a health-related permit or related service from the DEH pursuant to this code shall pay the county the fee established in the county code for that permit or service, including delinquent payment fees. (Ord. CS-198 § 1, 2012)

6.02.040 Operation of mobile food preparation units.
A. No person shall drive or operate a mobile food preparation unit on any public street or private property unless all persons within such vehicle are seated.
B. No person shall drive or operate a mobile food preparation unit on any public street or private property while cooking or food preparation is going on in such vehicle. (Ord. NS-558 § 3, 2000)
Chapter 6.03

HAZARDOUS MATERIALS

Sections:

6.03.010 Adopted by reference.
6.03.020 Fees.
6.03.030 Violation.
6.03.040 Materials exempt from disclosure requirements.

6.03.010 Adopted by reference.
Chapters 9 and 11 of Division 8 of Title 6 of the San Diego Code of Regulatory Ordinances, as amended, relating to hazardous materials are adopted by reference as part of this code; except that, wherever the provisions incorporated refer to a county board, territory, area, agency, official, employee, or otherwise it means the corresponding city board, territory, area, agency, official or employee and if there is no such corresponding city entity it means the county entity acting in that capacity on behalf of the city. (Ord. NS-592 § 3, 2001)

6.03.020 Fees.
The fees for permits issued pursuant to this chapter shall be those established by the San Diego County Board of Supervisors for countywide application under the provisions of Section 68.812 of the County Code of Regulatory Ordinances. (Ord. 5064 § 2, 1983)

6.03.030 Violation.
The provisions of Chapter 1.08 of this code shall apply to any violation of this chapter. A violation of this chapter is a misdemeanor. (Ord. 5064 § 2, 1983)

6.03.040 Materials exempt from disclosure requirements.
The following materials are exempt from the disclosure requirements of this chapter:
A. Waste oil when properly stored and recycled;
B. Perchloroethylene when used in dry cleaning establishments. (Ord. 5066 § 1, 1983)
Chapter 6.04

EMERGENCY SERVICES

Sections:
6.04.010 Agreement with county.
6.04.020 Definition.
6.04.030 Purposes of chapter.
6.04.040 Expenditures to be for protection of inhabitants and property.
6.04.050 Creation of disaster council.
6.04.060 Disaster council—Composition—Appointment of members—Officers.
6.04.070 Meetings of council.
6.04.080 Powers and duties of council.
6.04.090 Director and assistant director of emergency services.
6.04.100 Powers and duties of the director and assistant director of emergency services.
6.04.110 Emergency organization.
6.04.120 Emergency plan.
6.04.130 Punishment of violations.

6.04.010 Agreement with county.
The mayor of the city is authorized and directed, on behalf of the city, to enter into and sign that certain civil defense and disaster agreement regarding the coordination of all of San Diego County cities with the County of San Diego into a unified organization. (Ord. 1126 § 1, 1970)

6.04.020 Definition.
As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. 1152 § 3, 1972; Ord. 1015 § 2)

6.04.030 Purposes of chapter.
The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. 1152 § 4, 1972; Ord. 1015 § 1)

6.04.040 Expenditures to be for protection of inhabitants and property.
Any expenditures made in connection with city civil defense and disaster activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 1015 § 1)

6.04.050 Creation of disaster council.
The city civil defense and disaster council is created. (Ord. 1152 § 5, 1972; Ord. 1015 § 3)

6.04.060 Disaster council—Composition—Appointment of members—Officers.
The disaster council is created and shall consist of the following:
A. The mayor, who shall be chair;
B. The director of emergency services, who shall be vice chair;
C. The assistant director of emergency services;
D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;
E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council. (Ord. 1152 § 6, 1972; Ord. 1015A § 1; Ord. 1015 § 3)

6.04.070 Meetings of council.
The civil defense and disaster council shall meet upon call of the chair or, in his or her absence from the city or inability to call such meeting, upon the call of the vice chair. (Ord. 1015 § 4)

6.04.080 Powers and duties of council.
It shall be the duty of the disaster council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chair or, in his or her absence from the city or inability to call such meeting, upon call of the vice chair. (Ord. 1152 § 7, 1972; Ord. 1015 § 4)

6.04.090 Director and assistant director of emergency services.
A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.
B. There is created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 1152 § 8, 1972; Ord. 1015A § 2)

6.04.100 Powers and duties of the director and assistant director of emergency services.
A. The director is empowered to:
   1. Request the city council to proclaim the existence or threatened existence of a “local emergency” if the city council is in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
   2. Request the Governor to proclaim a “state of emergency” when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
   3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;
   4. Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them;
   5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
   6. In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,” the director is empowered:
      a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council,
b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use,

c. To require emergency services of any city officer or employee and, in the event of the proclamation of a “state of emergency” in the county in which this city is located or the existence of a “state of war emergency,” to command the aid of as many citizens of this community as he or she deems necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers,

d. To requisition necessary personnel or material of any city department or agency, and

e. To execute all of his or her ordinary power as city manager, all of the special powers conferred upon him or her by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him or her by any statute, by any agreement approved by the city council, and by any other lawful authority.

B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the city council.

C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency program of this city; and shall have such other powers and duties as may be assigned by the director. (Ord. 1152 § 9, 1972; Ord. 1015 § 5)

6.04.110 Emergency organization.
All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 6.04.100(A)(6)(c) of this chapter, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of this city. (Ord. 1152 § 10, 1972)

6.04.120 Emergency plan.
The disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plans shall take effect upon adoption by resolution of the city council. (Ord. 1152 § 11, 1972)

6.04.130 Punishment of violations.
It is a misdemeanor, punishable by a fine of not to exceed $500.00 or by imprisonment for not to exceed six months, or both, for any person, during an emergency to:

A. Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him or her by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof. (Ord. 1152 § 12, 1972)
Chapter 6.06

EMERGENCY MEDICAL TRANSPORTATION SERVICE

Sections:

6.06.010 Emergency medical transportation service established.
6.06.020 Purpose.
6.06.030 Operation procedures.
6.06.040 Fees authorized.

6.06.010 Emergency medical transportation service established.
An emergency medical transportation service is established for the city. (Ord. 1183 § 1, 1975)

6.06.020 Purpose.
The emergency medical transportation service is for the purposes of:

A. Responding insofar as possible to all medical emergency calls within the city limits from victims of in-
jury or illness who require immediate transportation in order to secure medical care;

B. Providing first-aid medical assistance to the victim at the scene and during transport to attempt to save
or prolong life;

C. Transporting the victim to the nearest facility which has been designated by the San Diego County of-
lice of emergency medical services as a primary emergency facility. Requests for transportation to a
facility other than the nearest primary emergency facility will not be honored. (Ord. 1183 § 1, 1975)

6.06.030 Operation procedures.
The emergency medical transportation service shall operate under the direction of the city manager or des-
ignated representative. The city manager is authorized to establish procedures for the operation of the ser-
vice. (Ord. 1183 § 1, 1975)

6.06.040 Fees authorized.
The city council may by resolution establish a fee schedule for the emergency medical transportation ser-
vice. Persons using such service shall pay a fee to the city in the amount established by such resolution.
(Ord. 1183 § 1, 1975)
Chapter 6.08

SOLID WASTE

Sections:

6.08.010 Definitions.
6.08.020 Required solid waste/recyclable materials/green waste handling.
6.08.030 Containers generally.
6.08.040 Cleanliness of solid waste containers.
6.08.045 Cleanliness of solid waste container areas or enclosures.
6.08.050 Solid waste containers to be kept covered.
6.08.060 Residential solid waste carts—Maximum weight.
6.08.070 Maximum residential collection.
6.08.080 Placement of residential carts for collection.
6.08.090 Timing of placement of residential carts for collection.
6.08.100 Unlawful placement of solid waste.
6.08.110 Unhindered access to containers.
6.08.120 Special collection service.
6.08.130 Bulky waste collection.
6.08.140 Shared service allowed.
6.08.150 Multiple tenant residential service.
6.08.160 Hauling solid waste.
6.08.170 Unauthorized collection (scavenging).
6.08.180 Contracts.
6.08.190 Rate and fees for service.
6.08.200 Payment of fees.
6.08.210 Liability for payment.
6.08.220 Enforcement.
6.08.230 Savings clause.

6.08.010 Definitions.

A. For purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is obvious from the context that another meaning is intended:

“Bin” means a metal or rigid plastic container provided by the city or its franchisee with a capacity of less than 10 cubic yards, equipped with a lid, capable of containing all pollutants within, and designed for mechanical pick-up by collection vehicles.

“Bulky waste” means solid waste that cannot and/or would not typically be accommodated within a cart, such as furniture and appliances. Bulky waste does not include exempt waste.

“Cart” means a plastic container provided by the city or its franchisee with a hinged lid and wheels serviced by an automated truck with a capacity of no less than 30 and no greater than 101 gallons.

“City” or “City of Carlsbad” means the incorporated territory of the City of Carlsbad.

“Commercial solid waste” means solid waste originating from stores, offices and other commercial sources, but does not include construction or demolition waste.

“Compost” means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

“Construction and demolition waste” means solid waste generated at a premises that is directly related to construction, remodeling, repair or demolition activities occurring thereon.
“Container” means collectively the carts, bins or roll-off box furnished by the city or franchisee used for storage of solid waste, recyclables and green waste prior to collection.

“Director” means the city’s utilities director or designee, or other city department director as designated by the city manager.

“Exempt waste” means biohazardous or biomedical waste, hazardous waste, sludge, designated waste, stable matter, waste tires, liquid wastes, green waste or lumber that is more than four feet in length in its longest dimension or two feet in diameter, automobiles, automobile parts, boats, boat parts, trailers, internal combustion engines, lead-acid batteries, and those wastes under the control of the nuclear regulatory commission.

“Franchisee” means any person, persons firm or corporation to whom a franchise has been granted by the city for the collection, processing, recycling and disposal of solid waste.

“Green waste” means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than four feet in its longest dimension or six inches in diameter. Green waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, holiday trees, and other forms of organic waste that is generated at the premises wherein the green waste is collected. Green waste does not include materials not normally produced from gardens or landscape areas, such as brick, rock, gravel, large quantities of dirt, concrete, sod, non-organic wastes, oil, and painted or treated wood products.

“Person” includes any person, firm, association, organization, partnership, business trust, joint venture, corporation, or company and includes the United States, the State of California, the County of San Diego, the City of Carlsbad, cities, districts, and any officer or agency thereof.

“Pollutants” means and includes, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, sediment, silt, industrial waste, and any organic or inorganic substance defined as a pollutant under 40 CFR 122.2 whose presence degrades the quality of the receiving waters in violation of basin plan and California ocean plan standards such as fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, fertilizers, pesticides, herbicides and other biocides. A pollutant also includes any contaminant which degrades the quality of the receiving waters in violation of basin plan and California ocean plan standards by altering any of the following parameters: pH, total suspended and settleable solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, temperature, and other narrative standards of the basin plan.

“Recyclable materials” means those materials that are recyclable and/or reusable. Recyclable materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, newspaper, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding 10 pounds in weight nor two feet in any dimension for any single item); steel including “tin” cans and small scrap (not exceeding 10 pounds in weight nor two feet in any dimension for any single item); bimetal containers; mixed plastics including, but not limited to, plastic containers (1—7), and bottles including containers made of HDPE, LDPE, PET, or PVC; and aseptic containers. Polystyrene peanuts and film plastic, including plastic bags are specifically excluded from collection and processing.

“Roll-off box” means a metal container with a capacity of 10 or more cubic yards, capable of containing all pollutants within, that is normally loaded onto a motor vehicle.

“Solid waste” means all discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including refuse, construction and demolition waste, bulky waste, recyclable materials, and green waste, food waste, or any combination thereof which are permitted to be disposed of in a Class III
landfill, and which are included in the definition of “non-hazardous solid waste” set forth in the California Code of Regulations. Solid waste does not include exempt waste.

“Solid waste facility” means a solid waste transfer or processing station, a composting facility, a transformation facility, or a disposal facility as approved by the city.

“Solid waste service” means the collection, transport and disposal of solid waste and recyclable materials, including green waste.

“Stormwater” means stormwater runoff, snowmelt runoff and surface runoff and drainage. Surface runoff and drainage pertains to runoff and drainage resulting from precipitation events. For the purposes of this chapter, stormwater runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of pollutants naturally appearing in the runoff have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered “unpolluted” and shall satisfy the definition of “stormwater” in this chapter.

“Stormwater conveyance system” means private, natural and publicly owned facilities within the City of Carlsbad by which stormwater may be conveyed to receiving waters of the United States, including any roads with drainage systems, streets, catch basins, curbs, gutters, ditches, pipes, natural and man-made channels or storm drains.

B. Any term that is defined by Division 30 (Waste Management) of the California Public Resources Code (commencing with Section 4000) that is used but not otherwise defined in this chapter shall have the meaning established by the Public Resources Code, to the extent meaning is not inconsistent with the context of the usage in this chapter and does not conflict with the approved franchise. (Ord. CS-276, 2015; Ord. CS-183 § 2, 2012)

6.08.020 Required solid waste/recyclable materials/green waste handling.
A. Every person in possession, charge or control of any place or premises in the city in, upon, or from which solid waste, recyclable materials, or green waste are created, produced or accumulated shall:
   1. Dispose of such solid waste through the regular solid waste service of the city or its franchisee; and
   2. First segregate from solid waste and dispose of recyclable materials and green waste in recycling and green waste containers, as appropriate; and
   3. Pay therefor the fee or fees hereinafter established.
B. The collection of solid waste shall occur at least once per week.
C. Exceptions.
   1. If the franchisee is unable to reasonably provide service to the premises, the property owner shall make arrangements to dispose of his/her/its own solid waste, recyclable materials, and green waste at a solid waste facility.
   2. Nothing in this chapter limits the right of any person to donate, sell, or otherwise dispose of his/her/its recyclable materials prior to placing said recyclable materials in recyclable containers.
(Ord. CS-183 § 2, 2012)

6.08.030 Containers generally.
A. No person shall deposit, keep or accumulate any solid waste in or upon any public or private premises unless enclosed in containers. Such containers shall be provided by the franchisee. The containers will remain the property of the franchisee. Every person occupying or having control of any such premises shall insure that a sufficient number of containers are available to properly store all solid waste generated at said premises.
B. No person shall deposit, keep or accumulate any recyclable materials in or upon any public or private premises unless enclosed within a recyclable container.

C. Such containers shall be kept in the rear or on the side of the premises or in designated enclosures, except as provided in Section 6.08.080, or as approved by the director. (Ord. CS-183 § 2, 2012)

6.08.040 Cleanliness of solid waste containers.
No person shall allow grease or decomposing material to accumulate in the interior or on the exterior of a solid waste container. No person shall allow water or other liquids to accumulate in the bottom of a solid waste container in excess of a depth of one inch. (Ord. CS-183 § 2, 2012)

6.08.045 Cleanliness of solid waste container areas or enclosures.
No person shall allow pollutants or liquids to accumulate around or on solid waste enclosures or around and/or under solid waste containers such that stormwater will carry these pollutants or liquids to the stormwater conveyance system. (Ord. CS-183 § 2, 2012)

6.08.050 Solid waste containers to be kept covered.
No person shall permit a solid waste container to remain uncovered or open, or in such condition that flies or vermin may obtain access thereto, except when necessary to place solid waste therein or remove solid waste therefrom, and when the cover is removed therefrom for such purposes it shall be immediately replaced. (Ord. CS-183 § 2, 2012)

6.08.060 Residential solid waste carts—Maximum weight.
Residential solid waste carts, when placed for collection, shall not be at a weight greater than the cart manufacturer’s recommended maximum weight. (Ord. CS-183 § 2, 2012)

6.08.070 Maximum residential collection.
Solid waste, recyclable materials and green waste, when placed for collection, shall fit entirely within the confines of the carts with lids securely shut. The franchisee shall not be obligated to collect solid waste, recyclable materials or green waste that is placed outside of said carts. Households requiring additional service shall arrange for special collection. (Ord. CS-183 § 2, 2012)

6.08.080 Placement of residential carts for collection.
Solid waste, recyclable materials and green waste carts from single-family residential units shall be placed in the street with the wheels against the curb, or if no such curb exists, within the gutter of the public street; in the event that the solid waste, recyclable materials and green waste are to be collected from a public alley, the carts shall be placed within five feet of the edge of the right-of-way of such alley. Carts shall be positioned with handles facing away from the street or right-of-way. Carts must be placed at least two feet away from obstacles such as trees, vehicles and mailboxes, one foot away from other carts, and clear from any overhead obstructions such as tree limbs. (Ord. CS-183 § 2, 2012)

6.08.090 Timing of placement of residential carts for collection.
Solid waste, recyclable materials and green waste carts must be placed for collection between the hours of 6:00 p.m. on the day prior to collection and 6:00 a.m. of the day of collection. Carts shall be removed no later than 12:00 a.m. of the day of collection. (Ord. CS-183 § 2, 2012)

6.08.100 Unlawful placement of solid waste.
No person shall deposit or place any solid waste anywhere other than in an approved solid waste container under his or her control. Further, no person shall abandon, store, bury, and/or burn solid waste on public or
private premises, with or without the property owner’s permission, except at an authorized solid waste facility. (Ord. CS-183 § 2, 2012)

6.08.110 Unhindered access to containers.
It is unlawful for any person within the city to hinder access of the franchisee to the solid waste, recyclable materials or green waste containers. (Ord. CS-183 § 2, 2012)

6.08.120 Special collection service.
The franchisee shall provide for the collection of any solid waste, recyclable material or green waste which requires special collection. If the special service is not identified in the city’s contract with the franchisee, the franchisee shall provide the service at a rate mutually agreed upon by the customer and the franchisee. Customers shall contract the city’s franchisee to arrange for such services. (Ord. CS-183 § 2, 2012)

6.08.130 Bulky waste collection.
Bulky waste shall be discarded or recycled through special collection service. (Ord. CS-183 § 2, 2012)

6.08.140 Shared service allowed.
Multiple tenants within a single building or complex may be allowed to share bin service. Customers utilizing carts shall not be allowed to share service, except at the sole discretion of the director. (Ord. CS-183 § 2, 2012)

6.08.150 Multiple tenant residential service.
Multiple tenant residential complexes shall be allowed to utilize bin service or individual cart service at the discretion of the owner or property manager. Multiple tenant residential complexes utilizing individual cart service shall be charged the single-family fee per each unit. (Ord. CS-183 § 2, 2012)

6.08.160 Hauling solid waste.
A. All solid waste, after collection, shall be removed and transported to a solid waste facility.
B. No person shall haul, carry or transport any solid waste through the city or along or over any public street or public place in the city except in water-tight vehicles so that the contents thereof are not offensive. Such vehicles shall be so loaded and operated that none of their contents falls or spills therefrom, and every vehicle used for such purposes shall be kept in a clean and sanitary condition. (Ord. CS-183 § 2, 2012)

6.08.170 Unauthorized collection (scavenging).
It is unlawful for any person, other than an employee of the franchisee or an employee of the city to collect, remove, or dispose of solid waste (including recyclable materials) in the city; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as regulated by the city plumbing code. (Ord. CS-183 § 2, 2012)

6.08.180 Contracts.
The city may enter into a contract or contracts under such terms or conditions as may be agreed upon and as may be seen fit by the city for the collection and disposal of solid waste, recyclable materials and green waste within the city. No person shall engage in the business of providing solid waste services, except as provided in Section 6.08.020(C), within the city without having a valid solid waste services contract with the city. (Ord. CS-183 § 2, 2012)
6.08.190 Rate and fees for service.
The rates and fees to be paid for regular (excluding Section 6.08.120) solid waste services rendered shall be those rates and fees as established from time to time by resolution of the city council. (Ord. CS-183 § 2, 2012)

6.08.200 Payment of fees.
It is unlawful for any person having solid waste collected and disposed of as herein provided, to wilfully fail, neglect, or refuse after demand by the city, or its duly authorized agent or employee, to pay the fees herein prescribed for services. The city and/or franchisee may seek payment for delinquent accounts by any legal means available. In addition to all other remedies available by law or established by this chapter, failure to pay after delinquency may result in suspension of service. (Ord. CS-183 § 2, 2012)

6.08.210 Liability for payment.
The obligation to pay solid waste services fees is upon the legal owner or owners of the property served. Nothing in this section, however, shall prevent an arrangement under which payments for solid waste services are made by a tenant or tenants, or any agent, on behalf of the owner, provided any such arrangement shall not affect the owner’s obligation for payment of such fees. (Ord. CS-183 § 2, 2012)

6.08.220 Enforcement.
The director shall be responsible for the enforcement of all provisions of this chapter. Failure to comply with these regulations shall be an infraction. Nothing in these regulations shall prevent the city’s authorized agents or deputies from efforts to obtain compliance by way of warning, notice of violation, educational means or other civil or administrative remedies available under this code or other applicable law. (Ord. CS-183 § 2, 2012)

6.08.230 Savings clause.
All code provisions, ordinances, and parts of ordinances in conflict with the provisions of this chapter are repealed. The provisions of this chapter, insofar as they are substantially the same as existing code provisions relating to the same subject matter shall be construed as restatements and continuations thereof and not as new enactments. With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of the ordinance codified in this chapter, under any chapter, ordinance, or part of an ordinance hereby otherwise repealed, all provisions of such chapter, ordinance, or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal. (Ord. CS-183 § 2, 2012)
Chapter 6.10

PRESCRIPTION DRUG DROP BOXES

Sections:

6.10.010 Purpose.
6.10.020 Definition.
6.10.030 Police and fire departments—Possession of controlled substances in the form of unwanted, unused and expired prescription drugs.

6.10.010 Purpose.
A. The City of Carlsbad recognizes that unwanted, unused or expired prescription drugs, are a public safety, public health and environmental hazard because they can fall into the hands of children or criminals or be introduced to the environment through improper disposal.

B. The city also acknowledges that experience has shown that parents, patients and others in possession of such prescription drugs will take advantage of opportunities for safe and secure disposal.

C. The purpose of this chapter is to provide a safe and secure mechanism for the public to dispose of their unwanted, unused or expired prescription drugs at designated city facilities. (Ord. CS-240 § 1, 2014)

6.10.020 Definition.
"Prescription drug" means a drug requiring a prescription, as opposed to an over-the-counter drug, which can be purchased without a prescription. (Ord. CS-240 § 1, 2014)

6.10.030 Police and fire departments—Possession of controlled substances in the form of unwanted, unused and expired prescription drugs.
In accordance with the purpose and provisions of Title 21 Code of Federal Regulations Section 1301.24(a)(2), as amended from time to time, or any applicable successor provision of federal law, the Carlsbad Police Department and Carlsbad Fire Department are authorized to collect and possess controlled substances in the form of unwanted, unused and expired prescription drugs in the performance of their duties, and to dispose of such controlled substances according to state and federal laws. (Ord. CS-240 § 1, 2014)
Chapter 6.12

JUNK*

Sections:
6.12.010 Definitions.
6.12.040 Regulations for accumulation.
6.12.050 Junkyards.
6.12.060 Firewood.
6.12.070 Violation determination.
6.12.080 Notice of violation—Service to owner—Form.
6.12.090 Appeal from notice.
6.12.100 Hearing and findings—Enforcement.
6.12.110 Failure to comply with notice and order.

* As to garbage, rubbish and weeds, see Ch. 6.08. As to license fees for junk businesses, junk dealers, and junk collectors, see Section 5.08.090.

6.12.010 Definitions.
For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

"Front lot line" means the line separating the front of the lot from the street. If a lot is bounded by more than one street, then the front lot line is the line most nearly facing the front of the main building on the lot; provided, that if there is no building on the lot the front lot line may be designated by the owner of the lot;

"Front yard" means a yard extending across the full width of a lot and extending from the front lot line to the front foundation line, and its prolongations of the main building. If the lot is vacant, the front yard depth shall be 50 feet;

"Junk" means any combustible or noncombustible nonputrescible waste, including but not limited to trash, refuse, paper, glass, cans, bottles, rags, fabrics, bedding, ashes, trimmings from lawns, shrubbery or trees, except when used for mulch or like agriculture purposes, household refuse other than garbage, lumber, metal, plumbing fixtures, bricks, building stones, plaster, wire or like materials from the demolition, alteration or construction of buildings or structures, tires or inner tubes, auto, aircraft or boat parts, plastic or metal parts or scraps, damaged or defective machinery, whether or not repairable, and damaged or defective toys, automotive equipment, recreational equipment or household appliances or furnishings, whether or not repairable;

"Lot" means lot or parcel two acres or less in size;

"Lot used for residential purposes" means a lot on which one or more dwellings are located;

"Rear lot line" means the lot boundary line or lines most distant from and generally opposite the front lot line;

"Side lot line" means any lot boundary line that is not a front or rear lot line. (Ord. 5039 § 1)

The accumulation of junk contrary to this chapter is declared to be a public nuisance. (Ord. 5039 § 11)

No person shall accumulate junk:
A. On any lot that is not in his or her ownership or possession, unless he or she has permission from the owner of such lot to do so.

B. On any lot used for residential purposes, unless done in strict compliance with Section 6.12.040.

C. On any parcel of land adjacent to a lot used for residential purposes, except:
   1. As a part of and incident to a lawfully established and conducted commercial or industrial enterprise; or
   2. When done in strict compliance with Section 6.12.040.

D. On any lot or parcel that is not in strict compliance with Chapter 15.12, Stormwater Management and Discharge Control. (Ord. NS-625 § 6, 2002; Ord. 5039 § 2)

6.12.040 Regulations for accumulation.
A. No person shall accumulate junk or permit junk to be accumulated on a lot used for residential purposes or on a lot adjacent to a lot used for residential purposes except in agricultural zones:
   1. Within four feet of any building or structure, except that junk may be accumulated within two feet of a fence or wall which is constructed of nonflammable material and is not used for structural support of a building;
   2. Within 15 feet of any rear lot line;
   3. Within 10 feet of any side lot line;
   4. In the front yard or in the street side yard of a corner lot.

B. No person shall accumulate junk, or permit junk to be accumulated on a lot that is used for residential purposes, except in accordance with all of the following regulations:
   1. The accumulation shall not be maintained so as to be conducive to the breeding, shelter or harborage of insects, rodents, vermin or pests;
   2. The accumulation shall not be strewn about or maintained in an unsightly condition;
   3. The accumulation shall be maintained so as not to constitute a fire hazard;
   4. Any accumulation of junk maintained on a lot for more than 30 days shall, from and after the thirty-first day of such accumulation, be stored in opaque containers;
   5. The accumulation shall be maintained so as not to constitute a danger or potential danger to the public health, safety or welfare;
   6. The accumulation shall not be a source of pollutants to stormwater or the stormwater conveyance system as defined in Chapter 15.12. (Ord. NS-625 § 7, 2002; Ord. 5039 § 3)

6.12.050 Junkyards.
This chapter does not prohibit the accumulation of junk in the course of the lawful operation of a junkyard, motor vehicle storage or wrecking yard, or salvage yard conducted in a manner otherwise authorized by ordinance. Nothing contained in this chapter shall be deemed to authorize the establishment or maintenance of a junkyard, motor vehicle storage or wrecking yard or salvage yard. (Ord. 5039 § 4)

6.12.060 Firewood.
This chapter does not prohibit the accumulation of used lumber, lumber scraps, tree and shrubbery trimmings or materials fabricated out of wood for use as firewood or fuel; provided, however, that any such accumulation shall be neatly stacked and shall be maintained in accordance with the provisions of paragraphs 1 and 4 of subsection A, and paragraphs 1 through 3 of subsection B of Section 6.12.040. (Ord. 5039 § 5)
6.12.070 Violation determination.
The director shall determine whether or not a person is accumulating junk in such a manner as to constitute a violation of this chapter. In making such determination, the director may consider the nature, size and extent of the accumulation; the length of time the accumulation has been permitted to remain; whether, and to what extent the accumulation is detrimental to the public health, safety and welfare; and whether any unusual conditions exist that would render the disposal of such junk in a lawful manner a hardship. (Ord. NS-625 § 7, 2002; Ord. NS-176 § 5, 1991; Ord. 1261 § 9, 1983; Ord. 5039 § 6)

6.12.080 Notice of violation—Service to owner—Form.
If the director determines that an accumulation of junk exists in violation of this chapter, the director shall give a written notice and order to the owner or to the occupant of the premises or, if such person cannot be located on the premises, to any person over the age of 18 years who is apparently in possession of the premises or, if there is no such person, then by mailing such written notice and order, postage prepaid, return receipt requested, to the person shown to be the owner by the latest equalized assessment roll or any more recent record in the office of the county assessor. Such written notice and order shall be substantially in the following form:

You are hereby informed that the Director of the City of Carlsbad has determined that there is an unlawful accumulation of junk, contrary to Ordinance No. NS-625, on the following premises: __________________________ (street address or other designation of premises). (Ord. NS-625 § 9, 2002; Ord. NS-176 § 5, 1991; Ord. 1261 § 9, 1983; Ord. 5039 § 7)

6.12.090 Appeal from notice.
Any person served with a notice and order made pursuant to Section 6.12.080 may appeal to the city council as provided in Section 6.12.100 and such appeal shall stay the effect of such notice and order until the city council hears the appeal and issues its order modifying, vacating or affirming such notice and order. Such appeal and stay of the notice and order shall not relieve any person from liability or responsibility, criminal or civil, for maintaining an unlawful accumulation of junk and shall not stay or prevent the filing or prosecution of a criminal or civil action for the maintenance of such unlawful accumulation of junk. (Ord. 5039 § 8)

6.12.100 Hearing and findings—Enforcement.
Within a period of three days (exclusive of Saturdays, Sundays and holidays) following the service of written notice and order by the director pursuant to Section 6.12.080 the person ordered to remove the accumulation of junk may file with the city clerk a written appeal from such notice and order. Such appeal shall contain the appellant's name, mailing address and a general statement of exceptions taken by the appellant to the notice and order. Upon receipt of an appeal, the city clerk shall immediately notify the director and shall set such appeal for hearing before the city council. Such clerk shall forthwith give written notice of the time, date and place of hearing to the director and shall send a copy of such notice through the United States mail to the appellant at the address specified in the appeal. At the time, date and place indicated, the director shall produce evidence of the existence of the unlawful accumulation of junk which is the subject of the director's notice and order. The appellant may likewise produce relevant evidence. The city council shall consider all relevant evidence produced at such hearing, and if it finds by the preponderance of the evidence that there is in fact an unlawful accumulation of junk, it may declare the same to be a public nuisance. The determination that such accumulation of junk constitutes a public nuisance shall be supported by such findings as are necessary and proper, which findings need not be reduced to writing unless the appellant so requests at the hearing. Upon determining that a public nuisance exists, the city council may order the abatement thereof upon such terms and conditions as it deems reasonable and just under the circumstances, or it may modify or affirm the notice and order made by the director. If the city council does not find that a public nuisance exists, it shall vacate the order of the director, in which event the city council need not make findings. In the event that the city council determines that a public nuisance exists and orders the abatement thereof, the director shall serve the order of abatement in the manner described in Section 6.12.080, shall enforce the
order, may supervise the abatement of the nuisance, if the director deems it necessary to do so, and may make such further orders in furtherance of such order of abatement as he or she deems necessary under the circumstances. Fees for filing an appeal under this section shall be established by resolution of the city council. (Ord. NS-625 § 10, 2002; Ord. NS-176 §§ 2, 5, 1991; Ord. 1261 § 9, 1983; Ord. 5039 § 9)

6.12.110 Failure to comply with notice and order.
Failure to comply with the notice and order given by the community and economic development director pursuant to Section 6.12.080 or with the order of abatement given by the city council pursuant to Section 6.12.100 constitutes a misdemeanor. (Ord. CS-164 § 14, 2011; Ord. NS-176 § 5, 1991; Ord. 1261 § 9, 1983; Ord. 5039 § 10)
Chapter 6.14

PROHIBITION OF SMOKING IN UNENCLOSED DINING AREAS*

Sections:
6.14.040 Reasonable smoking distance required.
6.14.070 Other requirements and prohibitions.

* Prior ordinance history: Ord. No. 5065.

Because smoking of tobacco, or any other weed or plant, is a danger to health and a cause of material annoyance, inconvenience, discomfort and a health hazard to those who are present in unenclosed areas as well as confined places, in order to serve public health, safety and welfare, the declared purpose of this article is to prohibit the smoking of tobacco, or any other weed or plant in unenclosed dining areas. (Ord. CS-188 § II, 2012)

"Enclosed dining area" as defined in this chapter means an area enclosed by a roof and walls with appropriate openings for ingress and egress.
"Public place" as defined in this chapter means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.
"Reasonable distance" as defined in this chapter shall mean a distance of 20 feet in any direction from an area in which smoking is prohibited.
"Smoke" or "smoking" as defined in this chapter shall mean and includes (1) the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind; or (2) the use of an electronic cigarette as defined in California Health and Safety Code Section 119405 ("e-cigarette") or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine.
"Unenclosed dining area" as defined in this chapter shall mean any dining area, which is not an enclosed dining area, including streets and sidewalks, which is available to or customarily used by the general public, an employee, or any invitee, and which is designed, established, or regularly used for consuming food or drink. (Ord. CS-237 § 1, 2013; Ord. CS-188 § II, 2012)

Smoking is prohibited in unenclosed dining areas within the City of Carlsbad, except places where smoking is already prohibited by state or federal law, in which case those laws apply. (Ord. CS-188 § II, 2012)

6.14.040 Reasonable smoking distance required.
Smoking shall be prohibited within a reasonable distance, as defined in this chapter, from any unenclosed dining area. (Ord. CS-188 § II, 2012)
Nothing in this chapter prohibits any person, corporation or any other legal entity, or employer, with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area by law. (Ord. CS-188 § II, 2012)

Any person, corporation or any other legal entity, or employer that has legal or de facto control of an unenclosed dining area in which smoking is prohibited by this chapter shall post a clear, conspicuous and unambiguous “No Smoking” or “Smoke-free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this chapter. (Ord. CS-188 § II, 2012)

6.14.070 Other requirements and prohibitions.  
No ashtrays or smoking disposal receptacles shall be placed in areas where smoking is prohibited. (Ord. CS-188 § II, 2012)

A. Each incident of smoking in violation of this chapter is punishable pursuant to Chapter 1.08 of this code, or in alternative by the administrative code enforcement remedies of Chapter 1.10 of this code.  
B. Except as otherwise provided, enforcement of this chapter is at the sole discretion of the persons authorized to enforce this chapter pursuant to Chapters 1.08 and 1.10 of this code. Nothing in this chapter shall create a right of action in any person against the city or its agents for damages or to compel public enforcement of this chapter against private parties. (Ord. CS-188 § II, 2012)
Chapter 6.15

ALCOHOLIC BEVERAGE WARNING

Sections:
  6.15.010 Purpose.
  6.15.020 Duty to post signs or notices.
  6.15.030 Placement.
  6.15.040 Language.
  6.15.050 Department of health services representatives.

6.15.010 Purpose.
The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects including mental retardation, facial abnormalities and other defects involving heart and bone structure. In order to serve the public health, safety and welfare, the purpose of this chapter is to educate the public by requiring warning signs to be placed at all locations where alcoholic beverages are sold to the public. (Ord. 5073 § 1, 1987)

6.15.020 Duty to post signs or notices.
Any person or entity who owns, operates, manages, leases or rents premises offering wine, beer, or other alcoholic beverages for sale, or dispensing for consideration to the public, shall cause a sign or notice to be permanently posted or displayed on the premises as provided in this chapter. The sign or notice shall read as follows: "PREGNANCY AND ALCOHOL DO NOT MIX—DRINKING ALCOHOLIC BEVERAGES, INCLUDING WINE AND BEER, DURING PREGNANCY CAN CAUSE BIRTH DEFECTS." Except as specified in Section 6.15.030 or in rules and regulations adopted by the department of health services, a sign or notice as required in this section shall not be smaller than eight and one-half inches wide by five and one-half inches long, nor shall any lettering thereon be less than three-eighths inch in height. (Ord. 5073 § 1, 1987)

6.15.030 Placement.
A sign or notice required by Section 6.15.020 shall be placed as follows:

A. Where the sale or dispensing of wine, beer, or other alcoholic beverages to the public is primarily intended for consumption off the premises, at least one sign shall be so placed as to assure that it is conspicuously displayed so as to be readable at all points of purchase.

B. Where the sale of wine, beer, or other alcoholic beverages to the public is primarily intended for consumption on the premises, at least one sign shall be placed to assure that it is conspicuously displayed so as to be readable in each public restroom. (Ord. 5073 § 1, 1987)

6.15.040 Language.
In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer, or other alcoholic beverages uses a language other than English as a primary language, an additional sign or notice as is required by Section 6.15.020 above shall be worded in the primary language or languages involved. (Ord. 5073 § 1, 1987)

6.15.050 Department of health services representatives.
A. The deputy director of environmental health services shall be responsible for the enforcement of compliance with this chapter. The county department of health services shall have the authority to adopt reasonable rules and regulations for the implementation of this chapter, including rules and regulations for alternative signs and placement of required signs.
B. The San Diego County department of health services shall make warning signs available to vendors of alcoholic beverages. Persons or entities may, however, at their own expense, prepare and post signs meeting the requirements of this chapter. In no event shall the prescribed language of the warning sign be altered. (Ord. 5073 § 1, 1987)
Chapter 6.16

NUISANCES*, **

Sections:

Article I. Generally

6.16.005 Declaration of purpose.
6.16.010 Nuisance defined.
6.16.020 Determination of nuisance on real property.
6.16.030 Right to appeal notice of violation.
6.16.040 Failure to abate nuisance.
6.16.050 Account of cost of abatement to be kept.
6.16.060 Copies of report of abatement cost to be served.
6.16.070 Determination of abatement cost.
6.16.080 Abatement cost to be lien against property.
6.16.090 Collection of cost of abatement.

Article II. Obstructing Drainage Course

6.16.120 Declared nuisance.
6.16.130 Procedure for abatement.
6.16.140 No mandatory duty.

Article III. Summary Abatement

6.16.150 Summary abatement.

* For provisions regarding animal nuisances, see Section 7.04.010.
** Prior ordinance history: Ord. Nos. 1261, NS-86, NS-144, NS-426, NS-625, 8084, NS-676, and CS-164.

Article I. Generally

6.16.005 Declaration of purpose.
The council finds that its purpose in adopting this chapter is to establish procedures for the administrative and summary abatement of public nuisances and code violations. The procedures established in these sections are in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address municipal code or applicable state code violations. (Ord. CS-257 § II, 2014)

6.16.010 Nuisance defined.
The existence of real property, whether public or private, within the city:
A. In a condition which is adverse or detrimental to public peace, health, safety, the environment, or general welfare; or
B. Any condition caused, maintained, or permitted to exist in violation of any provision of the municipal code or applicable state codes which constitute a public nuisance may be abated by the city pursuant to the procedures set forth in this chapter; or
C. Which is maintained so as to permit the same to become so defective, unsightly, dangerous, or in a condition of deterioration or disrepair so that the same will, or may cause harm to persons, or which will be materially detrimental to property or improvements located in the immediate vicinity of such real property, constitutes a public nuisance. (Ord. CS-257 § III, 2014)
6.16.020 **Determination of nuisance on real property.**
Whenever the enforcement officer, as that term is defined in Section 1.10.010(A), determines that there exists on any real property in the city a public nuisance as defined in Section 6.16.010, the enforcement officer may serve upon the responsible person, as that term is defined in Section 1.10.010(A), a notice of violation per Section 1.10.030 setting forth the nature of the public nuisance. Said notice shall be served in accordance with Section 1.10.040. (Ord. CS-257 § IV, 2014)

6.16.030 **Right to appeal notice of violation.**
The responsible person may appeal the notice of violation of public nuisance within 10 calendar days from the date of service of the notice of violation by filing a written request to appeal to the city clerk. Upon receiving a written request to appeal a notice of violation, the city manager shall follow the same administrative enforcement hearing procedures for administrative citation set forth in Section 1.10.130. (Ord. CS-257 § V, 2014)

6.16.040 **Failure to abate nuisance.**
The following provisions will apply for failure to abate a nuisance:

A. In the event such public nuisance is not abated on or before the date described in the notice of violation, the city manager may authorize and direct the abatement thereof by city agents, employees or by private contract, and in connection therewith such city agents or employees, or such private contractors and their employees, may enter upon the subject property to abate the nuisance.

B. Notwithstanding any other provision of this code, failure to abate such public nuisance on or before the date described in the notice of violation, when ordered to do so in accordance with the provisions of this chapter, or state law where such state law is applicable, is a misdemeanor. (Ord. CS-257 § VI, 2014)

6.16.050 **Account of cost of abatement to be kept.**
The city manager or designee shall cause to be kept an account of the cost of such abatement and related administrative costs, and upon completion thereof, the city manager or designee shall write a report stating the cost thereof. (Ord. CS-257 § VII, 2014)

6.16.060 **Copies of report of abatement cost to be served.**
The city manager or designee shall cause a copy or copies of such report mentioned in Section 6.16.050 to be served to the responsible person per Section 1.10.040. (Ord. CS-257 § VIII, 2014)

6.16.070 **Determination of abatement cost.**
The responsible person may dispute the abatement cost report within 10 calendar days from the date of service of the abatement cost report by filing a written dispute to the cost report. The responsible person shall set forth the basis of the dispute and submit relevant documentation in support of their dispute. The city manager or designee shall consider the comments and documentation submitted by the responsible person, and shall:

A. Determine the correct abatement cost;
B. If necessary, modify such report to conform to such correct abatement cost;
C. Confirm the report as presented or modified;
D. State the date of the abatement order;
E. Determine and state the correct legal description of the subject property, the correct county assessor’s parcel number, the street address and the name and address of the recorded owner based on the last equalized assessment roll or the supplemental roll, whichever is more current.
The decision of the city manager or designee shall be final. (Ord. CS-257 § IX, 2014)

6.16.080 Abatement cost to be lien against property.
The cost of abatement, as determined, shall be a:
A. Personal obligation of the person creating, causing, committing or maintaining the nuisance abated;
B. Personal obligation of the property owner of the subject property; and
C. Special assessment against the subject property or a lien against the subject property. (Ord. CS-257 § X, 2014)

6.16.090 Collection of cost of abatement.
The cost of abatement, as confirmed, may be collected by the city by any or all of the following or any other lawful means.
A. Recordation in the office of the county recorder of a certified copy of such resolution confirming such report so as to give notice of the lien:
   1. Prior to recordation, a notice of lien shall be served on the owner of record in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of the Code of Civil Procedure. If the owner of record after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation in San Diego County.
   2. The lien shall be recorded in the county recorder’s office and from the date of recording shall have the force, effect and priority of a judgment lien and may be foreclosed by an action brought by the city for a money judgment.
   3. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.
   4. In the event that the lien is discharged or released or satisfied, either through payment or foreclosure, notice of the discharge containing the amount of the lien, the date of the abatement order, the street address, legal description, assessor’s parcel number, and the name and address of the recorded owner shall be recorded in the county recorder’s office.
B. Civil action by the city.
C. Filing a certified copy of such resolution confirming such report with the auditor of the county who shall enter the assessment on the county tax roll opposite the subject property. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes. The legislative body may determine that in lieu of collecting the entire assessment at the time and in the manner of ordinary municipal taxes, such assessment of $50.00 or more may be made in annual installments in any event not to exceed five, and collected one installment at a time and in the manner of ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. The payment of assessments so deferred shall bear interest on the unpaid balance at the rate of six percent per year.
D. In addition to any other costs of abatement under this chapter, upon the entry of a second or subsequent civil or criminal judgment within a two-year period in which the owner of real property is responsible for a condition that may be abated under this chapter, except for conditions under the State Housing Law (Health and Safety Code Section 17980), a court may order the property owner to pay triple the costs of the abatement. (Ord. CS-257 § XI, 2014)
Article II. Obstructing Drainage Course

6.16.120 Declared nuisance.
Any obstruction to the free flow of drainage water in a natural drainage course in the city is declared to constitute a nuisance. (Ord. NS-426 § 1, 1997; Ord. 5040 § 1)

6.16.130 Procedure for abatement.
The procedure for the abatement of such a nuisance shall be as follows:
A. Once such a nuisance is alleged to exist on certain property, the city council shall cause a written notice thereof to be mailed to the person to whom such property is assessed in the last assessment roll available on the date of mailing, of the time and place for hearing objections and testimony and determination of whether or not such a nuisance exists. Such notice shall be mailed at least five days prior to the time of hearing;
B. At the time and place stated in the notice, the council shall hear and consider all objections and testimony regarding whether or not such a nuisance exists, and following such hearing shall decide such question. The hearing may be continued from time to time;
C. If the council decides that such a nuisance does exist, it may cause the abatement thereof and the cost of such abatement shall be a special assessment or a lien against the property on which it is maintained and a personal obligation against the property owner, and may be collected pursuant to the provisions of Government Code Sections 38773, 38773.1, 38773.5 and other applicable statutes. (Ord. NS-426 § 1, 1997; Ord. NS-144 § 8, 1991; Ord. 5040 § 2)

6.16.140 No mandatory duty.
Nothing in this chapter is intended to create a mandatory duty on behalf of the city or its employees under the Government Tort Claims Act and no cause of action against the city or its employees is created by this chapter that would not arise independently of the provisions of this chapter. (Ord. NS-426 § 1, 1997)

Article III. Summary Abatement

6.16.150 Summary abatement.
A nuisance may be summarily abated without notice, hearing or a warrant when immediate action is necessary to preserve or protect the public health and safety. Summary abatement actions are not subject to the requirements of this chapter, but shall be subject to the following requirements:
A. The city manager shall make a determination that a public nuisance exists that poses an immediate risk to the health, safety or welfare of the public or persons in the city.
B. Whenever possible, the city shall attempt to contact the responsible party and/or property owner to request abatement of the nuisance prior to the city proceeding with abatement. If the property owner and/or responsible party, as defined in Section 1.10.010(A)(6), is not available, incapable or unwilling to abate the nuisance, the city may proceed with summary abatement.
C. The city manager shall maintain the following records and shall prepare a report of abatement summarizing the records:
1. A description of the time, duration, type and extent of the nuisance;
2. An evaluation of the risks to health, safety and welfare of the public and/or environment caused by allowing the nuisance to continue;
3. Steps taken to contact the responsible party and/or property owner;
4. All costs associated with the investigation and abatement of the nuisance including the costs of personnel, equipment, facilities, materials and other external resources.
D. Within 10 working days after the determination is made by the city manager to summarily abate the nuisance, notice of determination and a copy of the report of abatement shall be served on the responsible party, the owner of record of the parcel of land where the nuisance originated, and all persons known to have any legal interest in the property. The responsible party shall be charged with the full costs of investigation and abatement of the nuisance.

E. A hearing to assess abatement costs and affirm whether immediate action was necessary to preserve or protect the public health and safety, shall be conducted at the request of the responsible party. Within 30 days of receipt of the notice of determination and the report of abatement, the responsible party may file a request with the city clerk for any and all evidence and objections regarding the need for abatement and/or the abatement costs. The hearing and consideration may be continued from time to time and upon the conclusion thereof, the council shall, by resolution:

1. Determine whether the nuisance posed an immediate risk to the health, safety or welfare of the public or persons in the city;
2. Determine whether the responsible party was unavailable, incapable and/or unwilling to abate the nuisance;
3. Determine the correct abatement cost;
4. If necessary, modify the report of abatement to conform to such findings as indicated above;
5. Confirm the report of abatement as presented or modified;
6. State the date of the abatement order;
7. Determine and state the correct legal description of the subject property, the correct county assessor's parcel number, the street address and the name and address of the recorded owner based on the last equalized assessment roll or the supplemental roll, whichever is more current.

The decision of the council shall be final.

F. In addition to any other applicable procedures, the cost of abatement may be collected in accordance with Section 6.16.080 or become a lien against the property in accordance with Section 6.16.090. (Ord. CS-257 § XIII, 2014; Ord. NS-850 § 1, 2007)
Chapter 6.17

URINATING OR DEFECATING IN PUBLIC

Section:

6.17.010 Urinating or defecating in public.

No person shall urinate or defecate in or on any street, sidewalk, alley, plaza, park, bench, public building or public maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation which is done in any restroom or other facility designed for the sanitary disposal of human waste. Any person who violates this section is guilty of a misdemeanor. (Ord. NS-236 § 1, 1993)
Chapter 6.18

ELECTRONIC CIGARETTES

Section: 6.18.010 Electronic cigarettes—Prohibited wherever smoking is prohibited.

6.18.010 Electronic cigarettes—Prohibited wherever smoking is prohibited.
In any location where the smoking of pipes, cigars or cigarettes is prohibited by any federal, state or local law, it shall also be unlawful for any person to use an electronic cigarette as defined in California Health and Safety Code Section 119405 ("e-cigarette") or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine. The provisions of this chapter do not apply in any circumstance where federal or state law regulates smoking or the use of e-cigarettes, if the federal or state law is more restrictive. (Ord. CS-237 § 2, 2013)
Title 7

ANIMALS AND FOWL

Chapters:

7.04 General
7.08 Rabies, Animal Control and Regulation
7.12 Bees and Apiaries
Chapter 7.04

GENERAL

Section:  
7.04.010 Offensive odors—Noises—Insects.

7.04.010 Offensive odors—Noises—Insects.  
It is unlawful for any person to keep, maintain or cause or allow to be kept or maintained within the city limits of the city any animal that causes odor, noise or the gathering of insects which is offensive to the senses of any person when the offended person is situated off of the lot or lots on which the animal is kept or maintained. (Ord. 3070 § 1; Ord. 3069 § 1)
Chapter 7.08

RABIES, ANIMAL CONTROL AND REGULATION

Sections:

7.08.010 Adopted by reference.
7.08.020 Penalties for violation.

7.08.010 Adopted by reference.

A. Title 3, Division 6, Chapter 4, Section 414, Subsection (c)(6) of the San Diego County Code of Regulatory Ordinances, as amended by Ord. No. 9962 (N.S.), effective 1/9/09, relating to noise abatement and control, specifically of an animal causing any frequent or long continued noise, is adopted by reference and incorporated as part of this code, except that whatever provisions thereof refer to a County of San Diego board, territory, area, agency, official, employee, or otherwise it shall mean the corresponding board, territory, area, agency, official, employee, or otherwise of the city, and if there is none, it shall mean that the county is acting in the same capacity on behalf of the city. A copy of the referenced ordinance is on file in the city clerk’s office.

B. Title 6, Division 2, Chapter 6, of the San Diego County Code of Regulatory Ordinances, as amended by Ord. No. 10036 (N.S.), effective 2/26/10, relating to animal control, is adopted by reference and incorporated as part of this code, except that whatever provisions thereof refer to a County of San Diego board, territory, area, agency, official, employee, or otherwise it shall mean the corresponding board, territory, area, agency, official, employee, or otherwise of the city, and if there is none, it shall mean that the county is acting in the same capacity on behalf of the city. A copy of the referenced ordinance is on file in the city clerk’s office. (Ord. CS-279 § 2, 2015; Ord. CS-090 § 1, 2010; Ord. NS-586 § 1, 2001; Ord. NS-381 § 1, 1996; Ord. NS-244 § 1, 1993; Ord. NS-167 § 1, 1991; Ord. NS-76 § 1, 1989; Ord. 5071 § 1, 1986; Ord. 5063 § 2, 1982; Ord. 3110 § 1, 1978)

7.08.020 Penalties for violation.

The penalties for violating provisions of the referenced ordinance shall be as specified in Chapter 1.08 of this code. In addition to these penalties, a court, if it finds it reasonably necessary to ensure animal or public health, safety and welfare, may order a person convicted of any provision of the referenced ordinance classified as a misdemeanor to refrain from having any contact with animals of any kind for a period of up to three years. Furthermore, the court would also be permitted to require the convicted person to deliver all animals in his or her possession, custody, or control to the department of animal control or other designated entity for lawful disposition, or provide proof that he or she no longer has possession, care or control of any animals. (Ord. NS-586 § 2, 2001)
Chapter 7.12

BEES AND APIARIES

Sections:
7.12.010 Definitions.
7.12.020 Identification signs required—Information to be shown.
7.12.030 Location of signs—Specifications generally.
7.12.040 Lettering on sign.
7.12.050 Distance of apiaries from public roads.
7.12.060 Location of apiaries within 150 feet of dwellings prohibited—Exception.
7.12.070 Landowner’s permission for apiary required.
7.12.080 Transportation of bees.
7.12.090 Notice of violations of chapter.
7.12.100 Violations after notice deemed misdemeanor.

7.12.010 Definitions.
For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Apiary” includes bees, one or more hives of bees and appliances, wherever the same are kept, located or found;

“Appliances” means any contrivance or device used in the handling or manipulation of bees or their brood which may be used in an apiary;

“Hives” means any object or container made or prepared for the use of bees, or taken possession of by bees;

“Location” means the lands upon which any apiary is located or found. (Ord. 3034 § 1)

7.12.020 Identification signs required—Information to be shown.
Every person maintaining an apiary on premises other than that of his or her residence shall identify such apiary by affixing a sign thereto showing the name of the owner or person in possession of the apiary, the owner’s address, his or her telephone number, or, if the owner does not have a telephone, the words “No Phone.” (Ord. 3034 § 2)

7.12.030 Location of signs—Specifications generally.
Persons maintaining apiaries shall affix identification signs on the longer side of the hive or longer side of the super, prominently located on the entrance side of the apiary and shall at all times maintain such signs thereon. Such signs shall be in black letters at least one inch in height on white or other contrasting color. (Ord. 3034 § 3)

7.12.040 Lettering on sign.
The lettering shall be printed or stenciled, or equivalent thereto, in black paint or black ink. (Ord. 3034 § 4)

7.12.050 Distance of apiaries from public roads.
No apiary shall be kept and located at a distance from a public road which distance would constitute a nuisance. (Ord. 3034 § 5)
7.12.060  Location of apiaries within 150 feet of dwellings prohibited—Exception.
No apiary shall be kept and located at a distance less than 150 feet from the nearest house or building inhabited as a dwelling, except buildings owned or controlled by the apiary owner; unless the owner of such apiary first procures permission in writing from the occupant or person using such building or house as a dwelling to do so. Such permission to be revocable at any time by written notice served upon the person owning or keeping the apiary. (Ord. 3034 § 6)

7.12.070  Landowner's permission for apiary required.
No apiary shall be kept or located upon the lands of another without the owner or the person in possession of the apiary first procuring from the owner or person entitled to possession of the lands permission to place the apiary thereon. (Ord. 3034 § 8)

7.12.080  Transportation of bees.
Hives of bees being transported during daylight hours shall be confined by screens or other means to the vehicle by which the bees are being transported. (Ord. 3034 § 7)

7.12.090  Notice of violations of chapter.
Any person maintaining an apiary who violates any of the provisions of this chapter may be served with written notice of such violation by any law enforcement officer of the county. Notice may be served upon such person personally, by mail, or by posting such notice for five days in a conspicuous place on the apiary where the violation occurs. (Ord. 3034 § 9)

7.12.100  Violations after notice deemed misdemeanor.
Every person violating any provision of this chapter who has been served with written notice of such violation as prescribed by Section 7.12.090 and who refuses to comply with such notice is guilty of a misdemeanor. (Ord. 3034 § 10)
Title 8

PUBLIC PEACE, MORALS AND SAFETY*

Chapters:

8.04 Parental Responsibility and Juvenile Crime and Victimization Prevention Law
8.08 Dances
8.09 Entertainment License
8.16 Firearms
8.17 Special Events
8.28 Motor Vehicles
8.29 Spectators Prohibited at Illegal Speed Contests or Exhibitions of Speed
8.32 Peddlers, Solicitors, Vendors and Canvassers
8.36 Camping on Public Property
8.44 Alcoholic Beverages
8.45 Consumption of Alcohol or Controlled Substances by Minors at Parties, Events or Gatherings
8.48 Noise
8.49 Gasoline Price Advertising
8.50 Alarm Systems
8.54 Picketing
8.60 Adult Business Licenses and Operating Regulations
8.70 Adult Business Performer License
8.80 Mini-Satellite Wagering

* For provisions regarding the failure to pay taxi fare, see Section 5.20.120; for provisions regarding unlawful acts during a disaster, see Section 6.04.130.
Chapter 8.04

PARENTAL RESPONSIBILITY AND JUVENILE CRIME AND VICTIMIZATION PREVENTION LAW*

Sections:
8.04.010 Title and purpose.
8.04.020 Definitions.
8.04.030 Prohibition—Juvenile.
8.04.040 Prohibition—Adult.
8.04.050 Exceptions.
8.04.060 Violations.


8.04.010 Title and purpose.
This chapter shall be entitled the Parental Responsibility and Juvenile Crime and Victimization Prevention Law of the City of Carlsbad. The purpose of this chapter is:

A. To promote the public health, safety and welfare by reducing juvenile violence and crime within the city; and

B. To protect juveniles, whose lack of maturity and experience renders them especially vulnerable to being victimized by older perpetrators of crime and to becoming participants in unlawful activities involving alcohol, drugs, graffiti, vandalism, theft and gang-related crimes; and

C. To foster and strengthen parental responsibility for juveniles. (Ord. NS-658 § 1, 2003; Ord. NS-416 § 1, 1997)

8.04.020 Definitions.
"Curfew hours" means the hours between 11:00 p.m. and 5:00 a.m. each day.
"Emancipated" means a juvenile who is self-supporting and independent of parental control as a result of a court order or by marriage of the juvenile under California Family Code Section 302.
"Emergency" means the unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
"Guardian" means (1) a person who, under court order, is the guardian of the subject juvenile, or (2) a public or private agency with which the court has placed the subject juvenile.
"Juvenile" means any person under the age of 18.
"Parent" means a person who is a natural parent, adoptive parent, or stepparent of the subject juvenile.
"Public place" means any place to which the public or a substantial group of the public has access, and includes, without limitation, sidewalks, streets, highways, parks, trails, beaches, vacant lots, and the common areas of schools, hospitals, office buildings, housing complexes, and shopping centers.
"Responsible adult" means a person at least 18 years of age who is authorized by a parent or guardian to have temporary care, custody or control of the subject juvenile.
"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. (Ord. NS-658 § 2, 2003; Ord. NS-416 § 1, 1997)
8.04.030  **Prohibition—Juvenile.**
Except as provided in Section 8.04.050, it is unlawful for any juvenile to be present in any public place during curfew hours. (Ord. NS-658 § 3, 2003)

8.04.040  **Prohibition—Adult.**
Except as provided in Section 8.04.050, it is unlawful for a parent, guardian, or responsible adult to knowingly, or by insufficient control, permit a juvenile to be present in any public place during curfew hours. (Ord. NS-658 § 4, 2003; Ord. NS-416 § 1, 1997)

8.04.050  **Exceptions.**
Sections 8.04.030 and 8.04.040 do not apply:
A. When the juvenile is accompanied by a parent, guardian, or responsible adult; or
B. When the juvenile is on an errand without detour or stop that is directed by a parent, guardian, or responsible adult; or
C. When the juvenile is engaged in, or traveling without detour or stop to or from a school, religious, recreational, or civic function supervised by adults and sponsored by a school, religious, recreational, or civic organization taking responsibility for the juvenile; or
D. When the juvenile is traveling without detour or stop to or from the juvenile’s place of employment or is engaged in employment-related activities; or
E. When the juvenile is traveling without detour or stop to or from a medical appointment; or
F. When the juvenile is in a motor vehicle engaged in interstate travel; or
G. When the juvenile is on a sidewalk abutting the juvenile’s home, or the home of a guardian or responsible adult; or
H. When the juvenile is involved in an emergency; or
I. When the juvenile is engaged in “expressive activities” protected by the federal or state constitutions, such as the free exercise of religion, freedom of speech, or the right of assembly; or
J. When the juvenile is emancipated. (Ord. NS-658 § 5, 2003; Ord. NS-416 § 1, 1997)

8.04.060  **Violations.**
Any juvenile, parent, guardian, or responsible adult who violates any provision of this chapter is guilty of an infraction, except that the fourth and each additional violation of a provision within one year shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. NS-658 § 6, 2003; Ord. NS-416 § 1, 1997)
Chapter 8.08

DANCES

Section:  
8.08.010 Permit issuance.

8.08.010 Permit issuance.  
For the purpose of protecting the general health, safety, and welfare by requiring adequate supervision of and policing at and around public dances within the city, the chief of police is authorized and directed to deny or issue, subject to such conditions as the chief deems reasonable, permits to hold, sponsor, or operate dances within the city which are open to the public upon the payment of an admission charge or a donation. In the event of a dispute between the applicant and the chief of police, the matter shall be brought before the city council who shall make a final decision in regard to the permit. (Ord. 6041 § 1, 1968)
Chapter 8.09

ENTERTAINMENT LICENSE

Sections:
8.09.010 Purpose.
8.09.020 Definitions.
8.09.030 Entertainment license required.
8.09.040 Exemptions.
8.09.050 No renewal of cabaret license.
8.09.060 Application/modification requirements.
8.09.070 Fees.
8.09.080 Approval/denial/modification of entertainment license.
8.09.090 Entertainment license standards and conditions.
8.09.100 Class II entertainment establishment conditions.
8.09.110 Sound or noise measurement.
8.09.120 Immediate threat to public safety.
8.09.130 Term of license.
8.09.140 Revocation/suspension for violation.
8.09.150 Appeal procedure.
8.09.160 Severability.
8.09.170 Violation—Penalty.

8.09.010 Purpose.
The City of Carlsbad encourages the development of arts and culture and recognizes that having many entertainment establishments provides a means for such activity. The City of Carlsbad further recognizes that having a variety of entertainment types in the city promotes a rich and diverse cultural experience.

The City of Carlsbad also recognizes that entertainment establishments serving alcohol have demonstrated the potential for creating an environment where various types of disturbances, excessive noise, and disorderly conduct by inebriated patrons may occur. These negative effects are adverse to the public safety and the quality of life in the community.

The purpose of this chapter is to regulate the operation of entertainment establishments so as to minimize the negative effects and to preserve the public safety, health and welfare. It is not the city’s intent to regulate or restrict the type or content of entertainment provided in those establishments. All licensees will be responsible for controlling patron conduct at their entertainment establishment, making adequate provisions for security and crowd control, compliance with state and local laws and minimizing disturbances caused by the operation of an entertainment establishment.

It is also the intent of the City of Carlsbad to provide alternatives to the regulating of entertainment establishments by imposing license conditions tailored to the particular entertainment establishment. (Ord. NS-859 § 3, 2007)

8.09.020 Definitions.
For purposes of this chapter the following words and phrases shall have the following meanings:

“A-weighted sound level” means the sound level in decibels as measured on a sound level meter using A-weighting network. The level is displayed in decibels and is designated either dB(A) or dBA.

“ABC license” means a license to serve alcoholic beverages issued by the State of California Department of Alcoholic Beverage Control.

“Ambient music” means prerecorded, low-level, background music, which is inaudible from any portion of the exterior of the premises. Ambient music does not include music played by a “disc jockey” or “DJ.”
“Ambient noise level” means the composite noise from all sources near and far. In this context, the ambient noise level constitutes a normal or existing level of environmental noise at a given location and time.

“Ambient sound” means vibrations that travels through the air and are detectible by the ear and which are inaudible from any portion of the exterior of the premises.

“Ambient television” means television programming routinely shown on broadcast, cable, satellite or other networks which now exist or which may be developed in the future which is inaudible and not visible from any portion of the exterior of the premises.

“Average sound level” means a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, as set forth in S1.40-1984, as amended from time to time, of the American National Standards Institute specifications for sound level meters. Average sound level is also called equivalent continuous sound level (“Leq”).

“Cabaret license” means a cabaret license issued pursuant to Section 8.09.014 as it existed before the revision of this code by the enactmert of this chapter, entertainment license.

“Class I entertainment establishment” means a business with an ABC license offering entertainment to patrons that does not include dancing by patrons of the entertainment establishment.

“Class II entertainment establishment” means a business with an ABC license offering entertainment to patrons that includes dancing by patrons of the entertainment establishment.

“Dance or dancing” means to move with rhythmical steps or movement, usually to music or an audible rhythm; except for any dance that is regulated under Chapter 8.60 (Adult Business Licenses and Operating Regulations).

“Decibel (dB)” means a unit of measure of sound noise level.

“Disturbing, excessive or offensive noise” means: (a) any noise which constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area; or (b) any noise conflicting with the criteria or levels set forth in this chapter.

“Entertainment” means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons, including:

1. Dancing by patron(s) to live or recorded music.
2. The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as “disc jockey” or “DJ.”
3. The presentation of live music whether amplified or un-amplified.
4. The presentation of music videos, music concerts or other similar forms of musical entertainment from any source.
5. Any amusement or event such as live music or other live performance which is knowingly permitted by any entertainment establishment, including presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival or circus acts, demonstrations of talent or items for gift or sale; shows, reviews, and any other such activity which may be attended by members of the public.

“Entertainment establishment(s)” means any commercial business, except a business entity possessing a valid cabaret license or regulated by Chapter 8.60 of this code that is open to the public wherein alcoholic beverages are served, is subject to licensing by State of California Department of Alcoholic Beverage Control and offers entertainment to patrons.

“Entertainment license” means a license obtained from the chief of police pursuant to the provisions of this chapter for the purposes of operating an entertainment establishment.
“Manager” means a person, regardless of the job title or description, who has discretionary powers to organize, direct, carry on, or control the operations of an entertainment establishment, including a restaurant or bar. Authority to engage in one or more of the following functions is prima facie evidence that a person is a manager of the entertainment establishment:

1. Hire or terminate employees;
2. Contract for the purchase of furniture, equipment, or supplies, except for the occasional replenishment of stock;
3. Disburse funds of the business, except for the receipt of regularly replaced items of stock;
4. Make or participate in making policy decisions regarding operations of the entertainment establishment.

“Noise” means and includes ambient music, ambient television, ambient sound, or entertainment.

“Noise level” has the same meaning as “Sound level.”

“On-sale” has the same meaning as California Business and Professions Code Section 23038.

“Responsible beverage service training course” means a course certified by the California Department of Alcoholic Beverage Control for on-sale management and on-sale professional services.

“Responsible party” means any person who is physically at the entertainment establishment and is any of the following:

1. The person who owns the entertainment establishment;
2. The person in charge of the entertainment establishment;
3. The person using the entertainment establishment under a special arrangement;
4. An employee or agent of an owner or manager of the entertainment establishment when the owner or manager is temporarily absent from the entertainment establishment;
5. The entertainment establishment’s manager or on-site supervisor.

“Sound level” means in decibels, the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network as specified in S1.40-1984, as amended from time to time, of the American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting is implied.

“Sound level meter” means an instrument, including a microphone, an amplifier, a readout, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in S1.40-1984, as amended from time to time, of the American National Standards Institute specifications for sound level meters.

“Sound noise level” has the same meaning as “sound level.” (Ord. NS-859 § 3, 2007)

8.09.030 Entertainment license required.
All entertainment establishments shall possess an entertainment license. (Ord. NS-859 § 3, 2007)

8.09.040 Exemptions.
The following types of activities are exempt from the provisions of this chapter:

A. Events for which a special event permit or park facility use permit has been issued pursuant to this code;
B. Ambient music;
C. Ambient television;
D. Ambient sound;
E. Entertainment conducted in connection with a theme park;
F. Entertainment conducted in connection with a hotel, so long as the hotel is subject to a specific plan or master plan development. (Ord. NS-859 § 3, 2007)

8.09.050 No renewal of cabaret license.
Any person or business entity holding a valid cabaret license issued before the effective date of the ordinance codified in this chapter may continue with the operation of that business until such time as that annual cabaret license expires or is revoked. Upon expiration or revocation of an annual cabaret license, an application for an entertainment license shall be submitted to the chief of police or designee pursuant to this chapter if the business desires to continue serving alcoholic beverages and providing entertainment to patrons. The transferee or purchaser of a business holding an annual cabaret license issued before the effective date of the ordinance codified in this chapter shall be required to apply for an entertainment license, pursuant to this chapter, within 30 days of the completion of the transfer or purchase of the business holding such annual cabaret license if the transferee or purchaser desires to continue serving alcohol beverages and providing entertainment to patrons. (Ord. NS-859 § 3, 2007)

8.09.060 Application/modification requirements.
A. Any person or business entity desiring to obtain an entertainment license or modification shall submit a complete application to the chief of police or designee and pay an application fee pursuant to Section 8.09.070.
B. The application shall be in a form approved by the chief of police.
C. The application shall be filed:
   1. At least 45 days prior to the proposed operation of the entertainment establishment;
   2. At least 45 days prior to the expiration of either a cabaret or entertainment license; or
   3. At any time for a modification.
D. The application shall state the class of entertainment (Class I or Class II) that the entertainment establishment will provide to patrons.
E. The entertainment license application shall include five copies of a floor plan. The floor plan shall be an accurate representation of the floor plan approved by the city building and fire departments as part of a formal building permit process. Any changes that have occurred to the floor plan since the original city building and fire department approval shall be identified and include a notation identifying the date the modification was approved by the city if such approval was required. The floor plan shall show all customer seating areas, performing stages or platforms, back-of-house areas, restroom facilities, and any proposed dance areas if applying for a Class II entertainment license. The floor plan shall clearly state the legal occupant load as established as part of the formal building permit process, and all exiting systems of the premises shall be clearly shown. No floor plan change, occupant load change, or other change of use can be approved as part of an application process for an entertainment license.
F. The application for an entertainment license shall include five copies of the proposed site plan for the entertainment establishment and the site plan shall be an accurate representation with dimensions that show the building’s footprint, boundary and property lines and on site parking spaces. Any changes that have occurred to the site plan since the original city building and fire department approval shall be identified and include a notation identifying the date the modification was approved by the city if such approval was required.
G. The application shall also include a copy of any city land use permits (e.g., conditional use permit, redevelopment permit, etc.) issued to the property owner or business entity.
H. The entertainment license application shall include a detailed security plan. The security plan should include, but is not limited to the following:
1. The number of security personnel who will be on duty;
2. The minimum level of acceptable training for security personnel;
3. The patron screening procedure, if any, prior to admission to entertainment establishment;
4. Identify patron access points into the entertainment establishment;
5. Removal of disorderly or intoxicated patrons from premises; and
6. Dispersal of patrons from the entertainment establishment, on site parking area and/or public rights-of-way (e.g., sidewalk or street) within 50 feet of any entrance to the entertainment establishment. (Ord. NS-859 § 3, 2007)

8.09.070 Fees.
A nonrefundable fee, as set forth in the City of Carlsbad Master Fee Schedule shall accompany each application for an entertainment license. The entertainment license fee shall be in addition to the business license fee required pursuant to Chapter 5.08 of this code. (Ord. NS-859 § 3, 2007)

8.09.080 Approval/denial/modification of entertainment license.
A. Upon completion of an investigation, the chief of police shall issue the license subject to Section 8.09.090, as applicable, unless it is found that:
1. The application fee has not been paid.
2. Applicant is less than 21 years of age.
3. The application does not conform to the provisions of this chapter.
4. The applicant has made a material misrepresentation in the application.
5. The applicant or any of its owners, partners, officers or directors has had an entertainment license revoked within two years prior to the date of the pending application.
6. The proposed entertainment establishment does not comply with all applicable laws, including but not limited to: health, zoning, building, and fire code requirements. Prior to granting a license, the chief of police or designee shall obtain certification from the fire chief, city planner or housing and neighborhood services director (if the property is located in the redevelopment area), and building official that the proposed use is in compliance with the land use and zoning provisions of the applicable municipal codes provisions and Village Redevelopment Master Plan and Design Manual (if applicable), and that the structures are suitable and safe for the proposed operation of an entertainment establishment.

B. If the chief of police denies the application, the applicant shall be notified of the reasons for the denial in writing within 45 days after receipt of the application. However, failure to notify the applicant within the specified time period shall not constitute a basis for granting the license. An applicant denied an entertainment license has a right to appeal the denial pursuant to Section 8.09.150 of this chapter. If such a hearing is not requested within the prescribed time period, the denial shall be final.

C. If a conditional use permit, or any other permit or approval, except a certificate of occupancy, is required for the lawful operation of an entertainment establishment, the provisions of this chapter shall be in addition to those other permits and entitlements. An entertainment license cannot modify the terms of a conditional use permit or any other permit or approval. (Ord. CS-164 §§ 10, 12, 2011; Ord. NS-859 § 3, 2007)

8.09.090 Entertainment license standards and conditions.
A. All Class I and Class II entertainment establishments shall operate in accordance with the following standards or conditions:
1. Display of License. The entertainment license shall be displayed on the premises in a conspicuous place so that law enforcement persons entering may readily see the entertainment license. A copy of the floor plan approved with the entertainment license shall be made available at all times at the request of any law enforcement officer, fire marshal or deputy fire marshal.

2. Hours of Operation. All entertainment establishments shall otherwise close and all patrons shall vacate the premises between 2:00 a.m. and 6:00 a.m. unless the entertainment license is conditioned for additional hours of closure.

3. Noise Restrictions. Noise shall be measured in accordance with Section 8.09.110. Between the hours of 10:00 p.m. and 7:00 a.m. no entertainment establishment may cause, permit or maintain noise at a sound level to the extent that the one-hour average sound level exceeds 65.0 dBA Leq-1m at the property line of the entertainment establishment of which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said responsible party.

4. Manager and Service Training. The following persons must complete a responsible beverage service training course before the entertainment establishment may provide entertainment:
   i. Every manager must complete a responsible beverage service training course within 90 days of hire, or by January 1, 2008, whichever is later.
   ii. Every person who serves or sells alcoholic beverages for consumption by patrons on the premises of an entertainment establishment shall complete a responsible beverage service training course within 90 days of hire, or by January 1, 2008, whichever is later.
   iii. Every manager and every person who serves or sells alcoholic beverages for consumption by patrons on the premises of the entertainment establishment shall maintain a current responsible beverage service training course certificate.
   iv. A list of all persons employed as managers or persons who serve or sell alcoholic beverages for consumption by patrons on the premises of an entertainment establishment shall be maintained on the premises of the entertainment establishment. The list shall clearly identify the hire date, the date of each responsible beverage service training course was completed and the date the current training certificate will expire for every manager and every person who serves or sells alcoholic beverages for consumption by patrons on the premises of the entertainment establishment. The list shall be provided, upon request, to any police officer for inspection.

5. Maximum Occupant Load. The maximum number of persons in the entertainment establishment, other than employees, shall not, at any time, exceed the maximum occupant load as established by the fire marshal or the city building official.

6. Disturbing the Peace and Disorderly Conduct. The responsible party shall make reasonable efforts to prevent the admission of any person, whose conduct is described in California Penal Code Section 415 (fighting, loud noise, offensive words in public places) or PC 647 (disorderly conduct), inside the entertainment establishment, at any on site parking lot owned or under the control by the entertainment establishment, or on any sidewalk used by the entertainment establishment for the entertainment establishment. The responsible party shall make reasonable efforts to either call the police for assistance or remove from the entertainment establishment, parking lot or sidewalk persons exhibiting such conduct.

7. Maintaining Adequate Right-of-Way. The responsible party shall ensure that patrons queuing on the public sidewalk do not obstruct the right-of-way or sidewalk from vehicular or pedestrian access. The minimum clear access for sidewalks shall be maintained at 44 inches.

8. Orderly Dispersal. The responsible party shall use reasonable efforts to cause the orderly dispersal of patrons from the entertainment establishment at closing time, and shall use reasonable efforts to prevent patrons from congregating in the entertainment establishment’s parking lot after
closing time or permit patrons to congregate in any roadway or traffic lane within 50 feet of any entrance to the entertainment establishment.

9. Obey all federal, state and local laws.

B. In addition to the conditions set forth in subsection A of this section, the chief of police may impose additional conditions in the following areas which shall be based on specific, articulated facts setting forth the necessity for the conditions:

1. The permissible hours of operation for entertainment.
2. Specific licensing qualifications and numbers of security personnel to be on duty during business hours. (Ord. NS-859 § 3, 2007)

8.09.100 Class II entertainment establishment conditions.
In addition to the conditions set forth in Section 8.09.090, the following conditions shall apply to all Class II entertainment establishments:

A. Mandatory Security Guards. There shall be at least one security guard on duty at all times the Class II entertainment establishment is allowing dancing.

B. Designation of Dance Floor.
   1. The dance floor area shall be plainly marked and designated as the dancing area.
   2. No dancing shall be permitted outside the designated dancing area.

C. Seating and Dance Areas. Seating areas shall not be converted to dance areas, unless the floor plan approved as part of the application process allows such conversion. During all hours which dancing is permitted, no portion of the dancing area shall be used for any purpose other than dancing. (Ord. NS-859 § 3, 2007)

8.09.110 Sound or noise measurement.
A. Any sound or noise level measurement shall be measured with a sound level meter using an A-weighted (40-phon) filter and an electrical time-constant equal to one second (i.e., “slow” meter response) pursuant to applicable manufacturer’s instructions.

B. The sound level meter shall be appropriately calibrated and adjusted both before and after a test to ensure meter accuracy within the tolerances set forth by the American National Standards Institute (ANSI) test designation S1.40-1984 for Type II instrumentation.

C. For outdoor measurements, the microphone shall be not less than four feet above the ground, at least four feet distant from walls or other reflecting surfaces. The sound level meter shall be either mounted to a tripod, or handheld in a manner so as not to be directly in front of the abatement officer. The sound level meter shall be protected during any test from the effects of wind noises by the use of appropriate manufacturer specified windscreens.

D. The location of the any sound level measurement used for the purposes of noise abatement shall be taken at the property line of the entertainment establishment that is creating the noise source. The sound level meter shall be oriented such that the microphone is facing the noise source and is elevated approximately 45 degrees vertically with respect to the ground. Under no circumstances should a measurement be performed closer than six feet from the noise source regardless of property line orientation.

E. Measurements shall be performed for a period of 60 seconds at each property line of interest using a time-energy average approach (i.e., equivalent sound level or Leq based on a meter exchange rate of three dB). Each measurement shall be logged by the abatement officer on the reporting sheet as “xx.x” dBA Leq-1m, where “xx.x” is the reading from the sound level meter.
F. If the noise source is intermittent, then for each halving of the hour in which the source is expected to occur, the effective noise level at the property line can be reduced by 3.0 dBA Leq. (Ord. NS-859 § 3, 2007)

8.09.120 Immediate threat to public safety.
The chief of police, fire marshal, or designee may require the responsible party to cease all or part of the entertainment establishment’s operations or entertainment and disperse all patrons for a period of time up to and including the remainder of the entertainment establishment’s daily operating hours whenever conduct by disorderly patrons reaches a magnitude that presents an immediate threat to the safety and well-being of the patrons or general public in the vicinity of the entertainment establishment. (Ord. NS-859 § 3, 2007)

8.09.130 Term of license.
A. The entertainment license shall be valid for a term of three years from the date of issuance and is not transferable. Suspension of an entertainment license shall not extend the term of the entertainment license.
B. A change in ownership of the entertainment establishment shall require the new owner to pay a new application fee and secure a new entertainment license from the chief of police in accordance with Section 8.09.080.
C. An entertainment license may be renewed by a new application subject to the same requirements stated herein for obtaining the initial entertainment license, including payment of an application fee. (Ord. NS-859 § 3, 2007)

8.09.140 Revocation/suspension for violation.
A. The chief of police may issue a letter of intent to revoke or suspend an entertainment license upon receiving satisfactory evidence that:
1. The application for an entertainment license contains material misrepresentation; or
2. Ownership of the entertainment establishment has changed without the new ownership securing a new entertainment license from the chief of police; or
3. The entertainment establishment has, within any 12-month period, been found criminally, civilly or administratively (pursuant to Chapter 1.10 of this code), or any combination thereof, to have violated three or more of the same provisions of this chapter, or four or more of any provisions of this chapter; or
4. Employees of the entertainment establishment, while on the premises are engaged in conduct or behavior to the extent that it constitutes a nuisance, including but not limited to adjudicated complaints with adverse finding(s) by the State Alcoholic Beverage Control Board or the County Health Department.
B. Chief of police shall provide written documentation or other evidence to support the intent to revoke or suspend an entertainment license to the licensee with the letter of intent to revoke or suspend an entertainment license.
C. The chief of police shall provide written notice of the intent to revoke or suspend to the holder of an entertainment license by personal service, or by certified mail. The notice shall be directed to the most current entertainment establishment address or other mailing address on file with the chief of police for the entertainment establishment. The notice shall provide the effective date of the revocation or suspension. No revocation or suspension shall be imposed on less than 30 days notice to the holder of the entertainment license. (Ord. NS-859 § 3, 2007)
8.09.150 Appeal procedure.

A. Any applicant or entertainment establishment aggrieved by denial, suspension or revocation, or conditions of an entertainment license may file, with the city clerk, a written notice of appeal to the city manager ("Notice of Appeal") within 30 days of the notification of decision by the chief of police or designee. The notice of appeal shall specify:

1. The name and address of appellant;
2. The date of application;
3. The date of denial, suspension or revocation or condition;
4. The factual basis for the appeal.

B. Upon receipt of a complete and timely filed notice of appeal, the city manager shall schedule a hearing and set forth in writing and deliver to the applicant or licensee at the address provided in the notice of appeal, by means of registered mail, certified mail or hand delivery, that within a period of not less than five days nor more than 14 days from the date of the filing of the notice of appeal with the city clerk, a hearing shall be conducted to determine the existence of any substantial evidence which would refute the grounds for the denial, suspension, or revocation or condition of a license. The hearing notification shall include the date, time and place of the hearing.

C. A hearing officer (hearing officer) appointed by the city manager shall conduct the hearing based upon the notice of appeal. The applicant or licensee may have the assistance of counsel or may appear by counsel and shall have the right to present evidence. In the event that the applicant, licensee, or counsel representing the applicant or licensee, fails to present any evidence at the hearing, the evidence of the existence of facts, which constitute grounds for the denial, suspension, or revocation or condition of the entertainment license shall be deemed uncontested. Any issue not raised in the hearing is waived.

D. Relevant evidence may be admitted and considered by the hearing officer if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the hearing officer. A copy of the recommendation of the hearing officer specifying findings of fact and the reasons for the recommendation shall be furnished to the city manager for consideration. The city manager shall notify the applicant or licensee or counsel representing the applicant or licensee of the decision regarding the appeal in writing as specified above within 10 days of the hearing officer’s recommendation and shall also inform the party against whom a decision is rendered of the right to appeal to the city council pursuant to this chapter. Any decision rendered by the city manager which is not appealed within the specified time period for filing a notice to appeal to city council is final.

E. Any applicant, licensee or party aggrieved by a decision of the city manager may appeal to the city council within 10 days of the date on which the decision of the city manager was sent, via certified mail to the applicant, licensee or party aggrieved. Upon the filing of a written notice of appeal of city manager’s decision to city council ("Appeal to City Council") upon the city clerk, the city clerk shall schedule the appeal to city council for review by the city council as soon as practicable and advise the police chief who shall transmit to the clerk the complete record of the case.

F. The city clerk shall provide notice of the appeal to city council, along with the date, time and location of the appeal to city council hearing to all parties to the appeal. The review by the city council is de novo; and the city council shall determine that all issues not raised in the appeal to city council are supported by substantial evidence. The city council shall consider the recommendations of the police chief and the hearing officer, the decision of the city manager and all other relevant documentary and oral evidence as presented to the hearing officer. The city council may affirm, modify, or reverse the action of the city manager, and make such order, as it deems appropriate and supported by substantial evidence including remand to the city manager with directions for further proceedings. Any action by the city council shall be final and conclusive; provided, however, that any action reversing the decision of the city manager shall be by the affirmative vote of at least three members of the city council. (Ord. NS-859 § 3, 2007)
8.09.160 Severability.
If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter 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 ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. (Ord. NS-859 § 3, 2007)

8.09.170 Violation—Penalty.
A. Any person who violates any of the provisions of this chapter is guilty of an infraction, except for the fourth and each additional violation of a provision of this chapter within one year, shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010(B) of this code.

B. In addition to any other remedy authorized by this chapter, a violation of this chapter may be grounds for a revocation, suspension or denial of an entertainment license. (Ord. NS-859 § 3, 2007)
8.16.010

Chapter 8.16

FIREARMS

Sections:
8.16.010 Discharge prohibited—Exceptions.
8.16.015 Discharge of air guns, BB guns, etc. prohibited—Where.
8.16.020 Permit to discharge firearms.

8.16.010 Discharge prohibited—Exceptions.
No person shall, without first obtaining permission from the chief of police, shoot or discharge any pistol, rifle, gun or other firearm, not necessary in self-defense, or in performance of official duty, within the city. (Ord. NS-194 § 1, 1991; Ord. 3010 § 1)

8.16.015 Discharge of air guns, BB guns, etc. prohibited—Where.
A. No person shall, without first obtaining permission from the chief of police as required by Section 8.16.020, shoot or discharge any air rifle, air gun, BB gun, pellet gun, gas-operated gun, spring gun or any other weapon designed to discharge or propel any projectile capable of causing injury on any public property, or on any street or sidewalk, whether public or private, or in any park, beach, golf course, shopping center, or other public gathering place within the city. (Ord. NS-194 § 2, 1991)

B. No person shall shoot or discharge any air rifle, air gun, BB gun, pellet gun, gas-operated gun, spring gun or any other weapon designed to discharge or propel any projectile capable of causing injury in any unsafe or threatening manner or in any manner where the projectile may or does enter the property of another. (Ord. NS-194 § 2, 1991)

8.16.020 Permit to discharge firearms.
Any person who wishes to discharge firearms referred to in Section 8.16.010 shall make written application to the chief of police for a permit. Such application shall state the date on which the firearms shall be fired, the number of rounds to be fired, the place where the firearms shall be fired, and the reason or need for the permit. Within a reasonable time after receipt of such application, the chief of police shall approve or reject it. In the event that no action is taken by the chief of police within 45 days after receipt of such application, such application and request shall be deemed denied by the chief of police. (Ord. NS-194 § 3, 1991; Ord. 3092, 1972; Ord. 3010 § 2)
Chapter 8.17

SPECIAL EVENTS

Sections:
8.17.010 Purpose and intent.
8.17.020 Definitions.
8.17.030 Permit required.
8.17.040 Exceptions to special event permit requirement.
8.17.050 Special events committee.
8.17.060 Application.
8.17.070 Fees.
8.17.080 Police protection and other emergency services.
8.17.090 Release and indemnification requirement.
8.17.100 Insurance requirements.
8.17.110 Signs.
8.17.120 Notification.
8.17.130 Reasons for denial of a special event permit.
8.17.140 Notice of denial of application.
8.17.150 Alternatives to permit application.
8.17.160 Appeal procedure.
8.17.170 Notice to city and other officials.
8.17.180 Special events calendar.
8.17.190 Contents of permit.
8.17.200 Violations.
8.17.210 Revocation of permit.
8.17.220 Severability.

8.17.010 Purpose and intent.
The city council recognizes that special events enhance the city’s lifestyle and provide benefits to area residents, visitors, and businesses through the creation of unique venues for expression, recreation, and entertainment that are not normally provided as a part of governmental services. However, the city council also recognizes that special events, if unregulated, can have an adverse effect on the public health, safety and welfare due to noise, traffic, safety, and health hazard impacts. The purpose and intent of this chapter is to set forth reasonable regulations by establishing a process for permitting special events within the city, to protect the rights and interest granted to special event permit holders, to ensure the health and safety of patrons of special events, to prohibit illegal activity from occurring within special event venues, and to minimize any adverse effects from special events while ensuring the orderly and efficient use of public property and city services. It is further intended to create a mechanism for cost recovery for special events without having an adverse effect on those special events that contribute to the community. It is also the intent of the council to protect the rights of citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services. (Ord. NS-811 § 2, 2006)

8.17.020 Definitions.
Except where the context otherwise requires, for the purposes of this chapter, the following definitions apply:
“Affected parties” means businesses and residents located within 300 feet of the area around the special event that are likely to experience impact from the special event.
“City manager” means the city manager or authorized designee.
“Demonstration” means any formation, procession or assembly of 50 or more persons which, for the purposes of expressive activity, is:
1. To assemble or travel in unison on any street in a manner that does not comply with normal traffic regulations or controls; or
2. To gather at a public park or other public area.

“Event” includes special event or a demonstration.

“Event promoter” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

“Expressive activity” includes conduct, the sole or principal object of which is the means of opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature.

“Major event” means a special event that requires a traffic control plan for three or more intersections of any street or requires a traffic control plan for a secondary arterial, major arterial or a prime arterial.

“Minor event” means a special event that does not require a traffic control plan or that requires a traffic control plan for two or fewer intersections and does not involve a secondary arterial, major arterial or a prime arterial.

“Parks and recreation director” means the director of parks and recreation or authorized designee.

“Permittee” means a person to whom a special events permit has been issued.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Police chief” means the chief of police or authorized designee.

“Private property permit” means a minor event administrative permit issued by the community and economic development director for a function held entirely on private property that does not require a use of public property in a manner which impacts or restricts the public’s normal or typical use of such property or does not comply with the normal or usual traffic regulations or controls or that require the provision of extraordinary city services and are therefore not governed by this chapter.

“Sidewalk” means any area or way set aside or open to the general public for purposes of pedestrian travel, whether or not it is paved.

“Sound-amplifying system” means any system, apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of human voice, musical tone, vibration or sound wave.

“Special event” means:
1. Any organized formation, parade, procession or assembly consisting of 50 or more persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls; or
2. Any commercial or noncommercial organized assemblage of 50 or more persons at any public beach, public park, public water ways, street, or sidewalk which is to gather for a common purpose under the direction and control of a person; or
3. Any other organized activity conducted by a person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of city public safety services in response thereto;
4. Examples of special events include concerts, parades, circuses, fairs, festivals, block parties, community events, fireworks, mass participation sports (such as marathons and running events, bicycle races or tours, tournaments), or spectator sports (such as football, baseball and basketball games, golf tournaments, surfing contests or other water competitions).

“Special event permit” means a permit as required by this chapter.
“Spontaneous demonstration” is an event occasioned by news or affairs coming into public knowledge less than 48 hours prior to such event.

“Street” means any place or way set aside or open to the general public for purposes of vehicular traffic, including but not limited to any berm or shoulder, parkway, public parking lot, right-of-way, alley or median. (Ord. CS-101 § 1, 2010; Ord. NS-811 § 2, 2006)

8.17.030 Permit required.
No person shall engage in or conduct any special event unless a special event permit is issued by the city manager or authorized designee. (Ord. CS-101 § 3, 2010; Ord. NS-811 § 2, 2006)

8.17.040 Exceptions to special event permit requirement.
A special event permit is not required for any of the following:
A. Any organized activity within the scope of a conditional use permit, other land use approval or a private property permit given or required for that use; or
B. Spontaneous demonstration, consisting of 50 or less persons, that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
   1. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and
   2. The chief of police is notified at least 36 hours in advance of the commencement of the demonstration; or
C. Lawful picketing; or
D. Funeral processions by a licensed mortuary; or
E. Activities conducted by a government agency acting within the scope of its authority. (Ord. NS-811 § 2, 2006)

8.17.050 Special events committee.
A. The special events committee shall be comprised of the assistant city manager, community and economic development director, transportation director, fire chief, police chief, housing and neighborhood services director, parks and recreation director and risk manager or their designated representatives. The parks and recreation director will chair the committee.
B. The special events committee is charged with reviewing and providing recommendations to the city manager regarding the approval or modification of an application for a special event permit based upon the information required in the application with regard to considerations of public safety, traffic flow and control, the disruption to residences and businesses; availability of resources of city personnel and equipment to adequately ensure the public health, safety and welfare.
C. The special events committee shall not recommend for approval a new event for the date, time or location of a previously established reoccurring event unless the applicant of the previously established reoccurring event notifies the city of their intent to not hold the event or no application has been received by the city at the minimum application filing date. (Ord. CS-164 §§ 5, 12, 14, 2011; Ord. CS-101 § 5, 2010; Ord. NS-811 § 2, 2006)

8.17.060 Application.
A. A person requesting a special event permit shall file an application, certified by affidavit on forms provided by the parks and recreation department. The parks and recreation director will forward the application to the special events committee for review and recommendation to the city manager.
B. The application shall be filed at least 90 days and not more than two years before the special event is proposed to commence except for spontaneous demonstration held to react to current events, which
shall provide a minimum of 36 hours' notice. The minimum 90-day notice requirement may be waived by the parks and recreation director upon written finding that the limited scope of the event, both in size and magnitude, allows it to be adequately reviewed in the time provided.

C. The application for a special event permit shall set forth all of the following information, if applicable:

1. The name, address, e-mail address and telephone number of the applicant and event organizer and its officers;
2. The names, addresses and telephone numbers of the headquarters of any organization for which the special event is to be conducted, and proof of the authorized representatives of the organization;
3. An acknowledgment of financial responsibility for any city fees or costs that may be imposed for the special event by the applicant and any person authorizing the applicant to apply for the permit on its behalf;
4. A description of the nature or purpose of the special event, including a description of activities planned during the special event;
5. A statement of fees to be charged participants in the special event;
6. Identification of the Carlsbad location where special event sales will be reported to the franchise tax board, a City of Carlsbad business license or a copy of a document showing proof the applicant is a tax-exempt non-profit organization;
7. Proof of insurance required by this chapter;
8. The date(s), time(s), and location(s) where the special event is to be conducted, including assembly and disbanding;
9. A site plan including but not limited to:
   a. Portable structures,
   b. Prefabricated structures,
   c. Site-built structures,
   d. Staging,
   e. Reviewing stand(s),
   f. Elevated platforms,
   g. Temporary pedestrian bridges,
   h. Tents or canopies,
   i. On-site grading,
   j. Portable restrooms,
   k. All on-site signs and banners that have a face area larger than 16 square feet and/or stand more than four feet above the ground,
   l. Any travel routes,
   m. Assembly or production areas,
   n. Electrical sources and connections,
   o. Fuel storage,
   p. Cooking and open fires,
   q. Water supply,
   r. Run-off containment features,
   s. Waste recycling containers,
t. Accessible parking,

u. Access points and routes for disabled persons,

v. Access points for emergency fire and ambulance equipment,

w. Emergency medical services area(s),

x. Any vehicles located in an enclosed area,

y. Pyrotechnics,

z. Inflatable(s),

aa. Animals and animal rides,

bb. Carnival rides,

c. Location to accommodate individuals desiring to express opinions not consistent with the purpose or intent of the event, and

dd. Other similar information that will describe the components of the event;

10. The location and description of all off-site signs, banners or attention getting devices;

11. A detailed traffic control plan (TCP) for a major event and parking management plan, consistent with standards set forth in the National Manual on Uniform Traffic Control Devices or the California Supplement to the National Manual on Uniform Traffic Control Devices for all streets, sidewalks and parking lots which the special event will impact by restricting the public’s normal, typical or customary use thereof;

12. The approximate number of participants, spectators, animals and vehicles;

13. The number of persons proposed or required to monitor or facilitate the special event and to provide spectator or participant control and direction for events using city streets, sidewalks, or facilities;

14. Provisions for first aid and emergency medical services;

15. The number, type and location of sanitation facilities;

16. Provisions for recycling per Public Resources Code Sections 42648 through 42648.7;

17. Pollution prevention in compliance with city’s municipal National Pollutant Discharge Elimination System permit, city ordinances and the city “Jurisdictional Urban Runoff Management Plan (JURMP)”;

18. A description of any recording equipment, sound amplification equipment, or other attention-getting devices to be used in connection with the special event.

D. Applications for special event permits for spontaneous demonstration held to react to current events shall provide the information in subsections (C)(1), (C)(7), (C)(11) and (C)(18) of this section only.

E. Applicants for a repeated event held on private property (such as fireworks) may file one annual special event application identifying the event dates for one calendar year. (Ord. CS-101 § 6, 2010; Ord. NS-811 § 2, 2006)

8.17.070 Fees.

A. Major Event Fee. A nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its reasonable and necessary costs in receiving, processing and reviewing applications for permits to hold a major event, must be paid to the City of Carlsbad when an application is filed.

B. Minor Event Fee. A nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its reasonable and necessary costs
in receiving, processing and reviewing applications for permits to hold a minor event, must be paid to the City of Carlsbad when an application is filed.

C. If the application includes the use of any city facility and/or property, or if any city services are required for the special event, the applicant must agree to pay for the services in accordance with a schedule of service costs approved by city council resolution.

D. Third Party Fee. If the permittee provides for or allows third party vendors to participate in the special event, the permittee shall pay an additional nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its actual and necessary costs in receiving, processing and reviewing the application that includes third party vendors. The amount of the additional fee shall be established by resolution of the city council and shall be based on whether the application is for a major or minor event. (Ord. CS-101 § 7, 2010; Ord. NS-811 § 2, 2006)

8.17.080 Police protection and other emergency services.

A. The police chief will determine whether and to what extent additional police protection, civilian traffic control personnel, private security and volunteer staff are reasonably necessary to ensure traffic control and public safety for the special event. The police chief will base this decision on the size, location, duration, time and date of the special event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked off from use by the public, and the need to detour or pre-empt pedestrian and vehicular travel from the use of public streets and sidewalks. The police chief shall provide, if police protection and/or other emergency and safety services or equipment is deemed necessary for the special event, an estimate of the cost of extraordinary city services and equipment required in writing. The applicant will be billed for services after the event.

B. When the police chief is determining the size of the event and the security needed to protect participants and spectators, the estimate, based upon reasonably known information, of participants shall be determinative. The numbers of persons attending in response to an event, to heckle, protest or oppose the sponsor’s viewpoint shall not be considered in the cost of providing police protection. (Ord. NS-811 § 2, 2006)

8.17.090 Release and indemnification requirement.

Permittee agrees to waive and release the City of Carlsbad and its officers, agents, employees and volunteers from and against any and all claims, costs, liabilities, expenses or judgments including attorney’s fees and court costs arising out of the activities of this special event or any illness or injury resulting therefrom, and hereby agree to indemnify and hold harmless the City of Carlsbad from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the city or its employees. (Ord. CS-101 § 9, 2010; Ord. NS-811 § 2, 2006)

8.17.100 Insurance requirements.

Whenever a special event, including but not limited to exhibits, fairs, athletic events, trade shows, concerts, or conventions, requires a permit under the provisions of this code, the sponsor, promoter or person conducting the special event shall provide evidence of commercial general liability insurance in a form acceptable to the risk manager (and additional coverage(s) as appropriate for the activities of the event), naming the City of Carlsbad as an additional insured, and with a coverage amount to be determined by the risk manager according to the size and risk factors of the event. When determining the size of the event and the risk to participants and spectators, the estimate of participants shall be determinative. The person conducting the special event shall not be required to insure any risk arising from persons attending in response to an event, to heckle or oppose the sponsor’s viewpoint. The insurance company or companies shall meet the requirements established by city council resolution for all insurance required by the city. The insurance policy re-
quired by this section shall not be cancelled, limited or not renewed without 30 days’ prior written notice has been given to the city. (Ord. NS-811 § 2, 2006)

8.17.110 Signs.
A. The permittee shall post street closure notification signs at locations approved by the city manager which include the name of the event, date, time and location of the closure and which:
   1. Shall not exceed 16 square feet in sign area with a minimum letter size of four inches;
   2. Shall be posted on any street on which more than two intersections will be closed, and any secondary arterial, major arterial, or prime arterial that will be closed as a result of the special event;
   3. Shall be posted a maximum of 15 days and a minimum of 10 days prior to the scheduled closure; and
   4. Shall be removed within two days following the conclusion of the event.
B. The permittee may post a maximum of eight signs that promote the event at locations approved by the city manager. Event promotion signs shall meet the following conditions:
   1. The event promotion sign(s) shall not exceed 16 square feet in sign area;
   2. Shall not be posted more than 16 days prior to the event; and
   3. Shall be removed immediately but in no event more than two days following the event.
C. The permittee shall post traffic control and/or directional signs the day or days of the special event as required by the permit. Traffic control and/or directional signs shall meet the following conditions:
   1. The location of all traffic control and/or directional signs shall require approval of the city manager; and
   2. Traffic control and/or directional signs shall not be posted more than four hours prior to the start of the special event and shall be removed not more than four hours after the conclusion of the special event. Any sign(s) left out after four hours may be removed by city staff and disposed of without compensation to event organizer.
D. The permittee for a special event permit may post signs and banners during the special event at the special event venue.
   1. All venue sign(s) with more than 16 square feet of sign area or signs that are more than four feet above ground level shall be identified on the site plan.
   2. Each venue signs and/or banners shall be less than 50 square feet of sign area.
E. Signs stating “no parking/tow away” shall be posted 72 hours in advance of the event start time. (Ord. CS-101 § 11, 2010; Ord. NS-811 § 2, 2006)

8.17.120 Notification.
A. The applicant for:
   1. A first time major event;
   2. A major event that has not been held for more than two years;
   3. A first time event at a city facility that is not authorized by facility use permit; or
   4. An event at a city facility that is not authorized by facility use permit and that has not been held for more than two years; shall sponsor a meeting for all affected parties. This meeting must be held not more than 180 days prior or less than 80 days prior to the special event date. Affected parties must be notified by the applicant via the United States Postal Service or by direct distribution to all affected parties of the meeting a minimum of 10 days prior to the meeting. The purpose of this meeting will be to allow the special event sponsor to identify and address concerns of affected parties regarding the time, place and manner in which the special event is to be held. Concerns
regarding the message or viewpoint of the event sponsor shall not be considered. The parks and recreation director may waive the minimum 80-day time limit for the affected party meeting with a written finding of good cause if, after due consideration, the parks and recreation director determines that because of the limited scope and complexity of the event when considering the application criteria, there will be adequate time for review by and input of concerned affected parties.

B. The applicant for a major special event permit that is not subject to the notification described in subsection A shall notify all affected parties of the event not more 40 days nor less than 30 days prior to the special event date via the United States Postal Service or by direct distribution to all affected parties. The notification shall contain information concerning the event and information on how to contact the applicant and the special events committee before and after the event.

C. All applicants for a special event permit shall notify via the United States Postal Service or by direct distribution to all affected parties of the event not more than 15 days prior or less than 10 days prior to the special event date with information concerning the event and information on how to contact the applicant and the special events committee before and after the event. (Ord. CS-101 § 12, 2010; Ord. NS-811 § 2, 2006)

8.17.130 Reasons for denial of a special event permit.
A. The city manager may only deny a special event permit to an applicant when any of the following applies:
   1. The application for the permit (including any attachments) is not fully completed and executed.
   2. The application for the permit contains a material falsehood or misrepresentation.
   3. The applicant has failed to conduct a previously authorized event in accordance with law or the terms of a permit, or both.
   4. The use or activity would conflict with previously planned programs organized and conducted by the city and previously scheduled for the same place and time.
   5. A fully executed prior application for the same time and place has been received and a permit has been or is likely to be granted authorizing uses or activities which do not reasonably permit multiple occupancy of the particular site or part thereof.
   6. The applicant has not complied or cannot comply with applicable federal, state or local laws, regulations, ordinances or city council policy.
   7. The applicant has not tendered the required application, indemnification agreement and endorsement(s), insurance certificate, or security deposit for police and emergency services and equipment within the times prescribed.
   8. The applicant has not provided for the services of a required number of police officers, fire and/or paramedic personnel, private security, civilian traffic controllers or event volunteers/staff to ensure the safety of the event.
   9. The applicant has not provided adequate sanitation and other required health facilities on or adjacent to any public assembly area.
  10. The applicant has not provided sufficient off-site parking or shuttle service, or both, required to minimize any adverse impacts on public parking and traffic circulation in the vicinity of the special event.
  11. The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur.
  12. The use or activity would present an unreasonable danger to the health or safety of the applicant, other users of the site, or the public.
13. The special event will require the exclusive use of beach or park areas during any period in a manner which will have adverse impact on the reasonable use or access to those areas by the general public.

14. The special event will create the imminent possibility of violent disorderly conduct likely to endanger public health, safety and welfare or to result in property damage.

15. The special event will interfere with the normal access and function of businesses and/or residences during any period in a manner, which will have adverse impact on the reasonable use or access to those areas.

16. The special event will require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the city.

17. The conduct of the special event will substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic, including public transportation, contiguous to its route or location.

B. The city manager shall not deny a special event permit to an applicant based upon the message, content or viewpoint of the event sponsor. (Ord. NS-811 § 2, 2006)

8.17.140 Notice of denial of application.
The city manager will act promptly upon a timely filed application for a special event permit and will make a determination not less than 28 calendar days prior to the event. The applicant will be notified within two working days of said determination.

If the city manager does not act on a special event application at least 28 calendar days prior to the event, the application shall be deemed denied. (Ord. NS-811 § 2, 2006)

8.17.150 Alternatives to permit application.
The city manager, in denying an application for a special event permit, may authorize the conduct of the special event at a date, time, location, or route different from that named by the applicant and shall propose alternative measures, which would cure any defects in the application. An applicant desiring to accept the modifications to the application will, within five days after notice of the action of the city manager, file a written notice of acceptance with the city manager. (Ord. NS-811 § 2, 2006)

8.17.160 Appeal procedure.
A. Any applicant has the right to appeal the denial of a special event permit to the city council. The denied applicant must make the appeal within five days after receipt of the denial by filing a written notice with the city clerk and a copy of the notice with the police chief. The city council will act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal, which decision will be final.

B. In the event that the city council denies an applicant’s appeal, the applicant shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure Section 1094.8. (Ord. NS-811 § 2, 2006)

8.17.170 Notice to city and other officials.
Immediately upon the issuance of a special event permit, the parks and recreation director will send a notice thereof to the city manager, the city attorney, the police chief, the fire chief, the utilities director, the community and economic development director, and the manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route or location of the proposed special event. (Ord. CS-101 § 17, 2010; Ord. NS-811 § 2, 2006)
8.17.180 Special events calendar.
The city will maintain a special events calendar. Events will be registered on the special events calendar as "approved" or as "pending." (Ord. NS-811 § 2, 2006)

8.17.190 Contents of permit.
Each special event permit will contain the following information or conditions, which is pertinent to the event:

A. The dates and times when the special event is to be held;
B. The dates and time roads will be closed;
C. The set-up or staging time;
D. The time clean-up or dismantling will be completed;
E. The location of the special event venue, including set-up or staging area, if any, and clean-up or dismantling area, if any;
F. The specific route of the special event;
G. The number of persons, and type and number of animals and vehicles, the number of bands, other musical elements and equipment capable of producing sound, if any, and noise limitations thereon;
H. The location of reviewing or audience stands;
I. A copy of the traffic control plan (TCP) and/or parking management plan including the number and location of traffic controllers, monitors, other personnel and equipment and barricades to be furnished by the special event permittee;
J. Conditions or restrictions on the use of alcoholic beverages and authorization for the conditions of the exclusive control or regulation of vendors and related sales activity by the permittee during the special event;
K. Provisions for any required emergency medical services;
L. The applicant's recycling plan;
M. The applicant's plan to control water run-off and other contaminants that may enter the city storm drain system;
N. Provisions for cleaning-up and restoration of the area or route of the event both during and upon completion of the event;
O. The requirement for the on-site presence of the special event organizer or a designated representative for event coordination and management purposes who shall carry the special event permit upon his or her person during the special event. (Ord. CS-101 § 19, 2010; Ord. NS-811 § 2, 2006)

8.17.200 Violations.
A. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute a misdemeanor punishable by a fine of up to $1,000.00, or by imprisonment in the county jail for a term not exceeding six months, or by both:
   1. To stage, present, or conduct any special event without first having obtained a permit under this chapter;
   2. To hamper, obstruct, impede, or interfere with any special event or with any person, vehicle or animal participating or used in the special event;
   3. To carry any sign, poster, plaque, or notice, whether or not mounted on a length of material, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;
   4. For any person participating in any special event to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such
object is one and one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object may not exceed three-fourths inch in its thickest dimension.

B. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute an infraction and shall be punished as provided for in Chapter 1.08 of this code:

1. To participate in a special event for which the person knows a permit has not been granted;
2. To knowingly fail to comply with any condition of the permit;
3. For a participant in or spectator at a special event to knowingly violate any conditions or prohibitions contained in the special events permit;
4. For any driver of a vehicle to drive between the vehicles or persons comprising a special event when the vehicles or persons are in motion and are conspicuously designated as a special event;
5. The police chief may prohibit or restrict the parking of vehicles along a street constituting a part of a special event if the police chief posts or cause to be posted signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of the posted signs.

C. The police chief may, when reasonably necessary, waive parking regulations along a street constituting a part of a special event. (Ord. NS-811 § 2, 2006)

8.17.210 Revocation of permit.
The police chief may revoke a special event permit without prior notice upon violation of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health, safety and welfare of persons or property. Written notice of the revocation setting forth the reasons therefor, shall be hand delivered or mailed to the applicant at the address provided on the application. (Ord. NS-811 § 2, 2006)

8.17.220 Severability.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause or phrase contained in it irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. (Ord. NS-811 § 2, 2006)
Chapter 8.28

MOTOR VEHICLES*

Sections:
- 8.28.010 Unlawful unless done by owner—Exceptions.
- 8.28.020 Nonresident on property—Unlawful—Exceptions.
- 8.28.030 Nuisance.
- 8.28.040 Driving motor vehicles on private property prohibited.
- 8.28.050 Distribution or solicitation to persons in vehicles.
- 8.28.055 Depositing handbills on vehicles in parking lots prohibited.

* For provisions governing motor vehicle regulations generally, see Title 10.

8.28.010 Unlawful unless done by owner—Exceptions.
It is unlawful for any person to do any assembly, disassembly, or repair work of any kind upon any motor vehicle of which he or she is not the registered owner unless specifically allowed by Title 21 of this code. (Ord. 3072 § 1, 1967)

8.28.020 Nonresident on property—Unlawful—Exceptions.
It is unlawful for any person to do any assembly, disassembly, or repair work of any kind upon any motor vehicle upon property upon which he or she does not reside, unless specifically allowed by Title 21. (Ord. 3072 § 2, 1967)

8.28.030 Nuisance.
It is unlawful for any person to do any assembly, disassembly, or repair work of any kind upon any motor vehicle if such repair work causes a nuisance to any persons by reason of noise, smoke, vibration, attractive nuisance to children, hazard from explosion, the creation of unsightly neighborhood conditions, or other causes. (Ord. 3072 § 3, 1967)

8.28.040 Driving motor vehicles on private property prohibited.
A. It is unlawful for any person to operate or drive or leave any vehicle in, over, or upon any private property or unimproved public property not designated for the use of motorized vehicles without the written permission of the owner thereof, or the person entitled to the immediate possession thereof, or the authorized agent of either.
B. Whenever any person is stopped by a peace officer pursuant to this section, he or she shall, upon the request of such peace officer, display said written permission.
C. The city manager may designate certain areas of unimproved public property suitable for use by vehicles upon the advice of the police chief and transportation director. Such areas will be clearly designated by appropriate signs.
D. This section does not apply to vehicles owned by a public entity or utility company when used in the course of business. (Ord. CS-164 § 2, 2011; Ord. NS-48 § 1, 1988; Ord. 3113 § 1, 1979; Ord. 3082 § 1, 1970)

8.28.050 Distribution or solicitation to persons in vehicles.
A. Except as permitted by subsection B of this section, it is unlawful for any person, while on a public sidewalk or in a public roadway, to distribute or attempt to distribute materials to, or to solicit, or attempt to solicit business or contributions from, any person who is traveling in any type of vehicle along a public roadway.
B. Distributing materials or soliciting business or contributions is permitted on sidewalks adjacent to public roadways with a speed limit of 35 miles per hour or less as shown on the map labeled Exhibit A attached to the ordinance codified in this chapter and found on file in the city clerk’s office, except:

1. When the public roadway intersects with another public roadway that has a speed limit greater than 35 miles per hour, in which case distribution or solicitation is prohibited within 100 feet of the intersection;

2. In the commercial/visitor-serving overlay zone as shown on the map labeled Exhibit B attached to the ordinance codified in this chapter and found on file in the city clerk’s office;

3. Anywhere on La Costa Avenue.

C. No more than one person at a time may distribute materials or solicit business or contributions at the quadrant of any intersection where distribution or solicitation is permitted under subsection B of this section. (Ord. NS-552 § 1, 2000)

8.28.055 Depositing handbills on vehicles in parking lots prohibited.
This section does not make it unlawful for a person to hand out or distribute without charge to the receiver thereof a handbill to any occupant of a vehicle in an otherwise lawful manner. (Ord. CS-068 §§ 2—4, 2009; Ord. NS-290 § 1, 1994)
Chapter 8.29

SPECTATORS PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED

Sections:
8.29.010 Purpose.
8.29.020 Definitions.
8.29.030 Spectator at illegal speed contest or exhibitions of speed.
8.29.040 Relevant circumstances to prove a violation.
8.29.050 Admissibility of prior acts.

8.29.010 Purpose.
The city council of the City of Carlsbad, California finds and declares:
A. Pursuant to California Vehicle Code Section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal. Motor vehicle speed contests and exhibitions of speed are more commonly known as street races or drag races.
B. Public streets throughout the County of San Diego, including the City of Carlsbad, have been the site of illegal street racing over the past several years. Such street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business owners to enjoy the use of their property. The illegal street races occur on a regular basis on various public streets throughout the County of San Diego, including the City of Carlsbad. Hundreds of racers and spectators gather on these streets late at night and in the early morning hours, blocking the streets and sidewalks to traffic, forming a racetrack area, placing bets, and otherwise encourage, aid and abet the racing process.
C. Illegal street racers accelerate to high speeds without regard to oncoming traffic, pedestrians, or vehicles parked or moving nearby. The racers drive quickly from street to street, race for several heats, and then move to other locations upon the arrival of the police. Those who participate in this illegal activity are very sophisticated using cell phones, police scanners and other electronic devices to communicate with each other to avoid arrest. They also use the Internet to provide information on where to race, and give advice on how to avoid detection and prosecution.
D. In most cases, illegal street races attract hundreds of spectators. The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish.
E. To discourage illegal street races, many cities in the County of San Diego have recently adopted ordinances prohibiting spectators at these races. Those cities who have not adopted such ordinances are experiencing an increase in illegal street races in their jurisdictions.
F. This chapter is adopted to prohibit spectators at illegal street races with the aim of significantly curbing this criminal activity. The ordinance codified in this chapter targets a very clear, limited population and gives proper notice to citizens as to what activity is lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged.
G. This chapter makes evidence of specified prior acts admissible to show the propensity of the defendant to be present at or attend illegal street races if the prior act or acts occurred within three years of presently charged offense. (Ord. NS-670 § 1, 2003)

8.29.020 Definitions.
“Illegal motor vehicle speed contest” or “illegal exhibition of speed” means any speed contest or exhibition of speed referred to in California Vehicle Code Sections 23109(a) and 23109(c).
A person is “present” at the illegal motor vehicle speed contest or exhibition of speed if that person is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event. “Preparations” for the illegal motor vehicle speed contest or exhibition of speed include, but are not limited to, situations where:

1. A group of motor vehicles or persons has arrived at a location for the purpose of participating in or being a spectator at the event;
2. A group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event;
3. A group of individuals has gathered on private property open to the general public without the consent of the owner, operator or agent thereof for the purpose of participating in or being a spectator at the event;
4. One or more persons has impeded the free public use of a public street or highway by actions, words or physical barrier for the purpose of conducting the event;
5. Two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed;
6. One or more drivers is revving his or her engine or spinning his or her tires in preparation of the event; or
7. An individual is stationed at or near one or more motor vehicles serving as a race starter.

“Spectator” means any person who is present at an illegal motor vehicle speed contest or exhibition of speed, or where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. A “spectator” includes any person at the location of the event without regard to whether the person arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means. (Ord. NS-670 § 1, 2003)

8.29.030 Spectator at illegal speed contest or exhibitions of speed.
A. Any person who is knowingly present as a spectator, either on a public street or highway or on private property open to the general public without the consent of the owner, operator or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor punishable in accordance with Chapter 1.08 of this code.
B. Any person who is knowingly present as a spectator, either on a public street or highway or on private property open to the general public without the consent of the owner, operator or agent thereof, where preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor punishable in accordance with Chapter 1.08 of this code.
C. Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at illegal speed contests or exhibitions of speed in the course of their official duties. (Ord. NS-670 § 1, 2003)

8.29.040 Relevant circumstances to prove a violation. Notwithstanding any other provisions of law, to prove a violation of this section, admissible evidence may include, but is not limited to, any of the following:
A. The time of day;
B. The nature and description of the scene;
C. The number of people at the scene;
D. The location of the person charged in relation to any individual or group present at the scene;
E. The number and description of motor vehicles at the scene;
8.29.050

F. That the person charged drove or was transported to the scene;
G. That the person charged has previously participated in an illegal speed contest or exhibition of speed;
H. That the person charged has previously aided and abetted an illegal speed contest or exhibition of speed;
I. That the person charged has previously attended an illegal speed contest or exhibition of speed;
J. That the person charged previously was present at a location where preparations were being made for an illegal speed contest or exhibition of speed or where an exhibition of speed or speed contest was in progress. (Ord. NS-670 § 1, 2003)

8.29.050 Admissibility of prior acts.
The list of circumstances set forth in Section 8.29.040 is not exclusive. Evidence of prior acts may be admissible to show the propensity of the defendant to be present at or attend a speed contest or exhibition of speed if the prior act or acts occurred within three years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense. Prior acts are not limited to those that occurred within the City of Carlsbad. (Ord. NS-670 § 1, 2003)
Chapter 8.32

PEDDLERS, SOLICITORS, VENDORS AND CANVASSERS*

Sections:
8.32.010 Display, sale or storage on public ways prohibited.
8.32.015 Ice cream trucks.
8.32.020 Permits for promotional sales.
8.32.030 Street fairs.
8.32.040 Entering private property for the purpose of sale without permission.
8.32.050 Restriction on hours.
8.32.060 Business license required.

* Prior ordinance history: Ord. No. 6038.

8.32.010 Display, sale or storage on public ways prohibited.
A. Except as otherwise provided in this chapter, no person shall display, sell or store any goods or merchandise from any temporary or permanent display, vehicle, wagon or pushcart upon any public street, alley, highway, parking lot, sidewalk or right-of-way.
B. No person shall sell or offer to sell goods or merchandise from any temporary display, vehicle, wagon or pushcart in any commercial zone except as provided in Title 21. If permitted by the provisions of Title 21, a permanent structure, all or part of which is located on a public street, sidewalk, parking lot or easement, may be used for the sale of goods or merchandise, provided that all appropriate permits required by Titles 6, 11, 18 and 21 have been issued.
C. No person shall sell or offer to sell goods, merchandise, food or beverages from any vehicle on any portion of any public street, alley, highway, parking lot, sidewalk, or right-of-way within one-half mile of a public school building or school grounds while children are going to or from the school, during opening or closing hours, or during a recess period.
D. Subject to subsection C of this section, a person may display or sell food or beverages from a motor vehicle specifically equipped for display or sale of food or beverages, provided that the person has first obtained a permit required by this chapter. A person may stand or park such vehicles for the purpose of selling or offering to sell their food or beverages only at the request of a bona fide purchaser for a period of time not to exceed 10 minutes at any one place. If the person is displaying or selling food or beverages from an ice cream truck, the person must also comply with the provisions in Section 8.32.015 of this chapter. (Ord. NS-587 § 1, 2001)

8.32.015 Ice cream trucks.
A. The city council finds and declares that motor vehicles engaged in vending ice cream and similar food items in residential neighborhoods can increase the danger to children, and it is necessary that these vehicles are clearly seen and noticed by motorists and pedestrians to protect public safety.
B. As used in this section, the term “ice cream truck” means a motor vehicle engaged in the curbside vending or sale of frozen or refrigerated desserts, confections, or novelties commonly known as ice cream, or prepackaged candies, snack foods, or soft drinks, primarily intended for sale to children under 12 years of age.
C. Any ice cream truck shall be equipped at all times while engaged in vending in a residential area with signs mounted on both the front and the rear and clearly legible from a distance of 100 feet under daylight conditions, incorporating the words “WARNING” and “CHILDREN CROSSING.” Each sign shall be at least 12 inches high by 48 inches wide, with letters of a dark color and at least four inches in height, a one-inch solid border, and a sharply contrasting background.
D. A person may not vend from an ice cream truck that is stopped, parked, or standing on any public street, alley, highway, or public right-of-way under any of the following conditions:

1. If the street, alley, highway, or public right-of-way has posted speed limit of greater than 25 miles per hour.

2. If the street, alley, highway, or public right-of-way is within 100 feet of an intersection with an opposing street, alley, highway, or public right-of-way that has a posted speed limit greater than 25 miles per hour.

3. If the vendor does not have an unobstructed view for 200 feet in both directions along the street, alley, highway, or public right-of-way and of any traffic on the street, alley, highway, or public right-of-way. (Ord. NS-587 § 2, 2001)

8.32.020 Permits for promotional sales.
The city manager may, from time to time, issue temporary permits providing for the holding of promotional sidewalk sales, subject to such restrictions as to length of time and other conditions as the city manager deems reasonably necessary for the public health, safety and welfare. (Ord. 6076 § 1, 1985)

8.32.030 Street fairs.
The city manager may from time to time issue temporary permits for street fairs subject to such restrictions as to the length of time and other conditions as the city manager deems reasonably necessary for the public health, safety and welfare. (Ord. 6076 § 1, 1985)

8.32.040 Entering private property for the purpose of sale without permission.
No person shall go onto private property within the city for the purpose of selling, offering for sale or soliciting orders for the sale of any merchandise, product, service or thing whatsoever when the occupant of such property has given notice or warned such persons to keep away. A sign posted by the occupant of the property, with the words “no solicitors” or “no peddlers” or other similar words, at or near the front door or primary entrance to a residential structure on private property, shall constitute sufficient notice or warning pursuant to this section. For any property used for a purpose of other than a residential use such notice may be posted, at each public entrance to any structure on the property in any conspicuous location on the property, in such a manner so as to provide reasonable notice of the restriction. (Ord. 6076 § 1, 1985)

8.32.050 Restriction on hours.
No person shall go onto private property for the purposes of commercial or noncommercial peddling, soliciting, vending or canvassing before the hour of 8:00 a.m. or after the hour of 8:00 p.m., except that while the United States is on federally mandated daylight savings time the hours shall be 8:00 a.m. to 9:00 p.m. (Ord. NS-250 § 1, 1993; Ord. 6079 § 1, 1986; Ord. 6076 § 1, 1985)

8.32.060 Business license required.
All persons engaged in the business of soliciting, peddling or vending subject to the provisions of this chapter shall obtain a business license pursuant to Chapters 5.04 and 5.08 of this code. (Ord. 6076 § 1, 1985)
Chapter 8.36

CAMPING ON PUBLIC PROPERTY*

Sections:
  8.36.010 Purpose.
  8.36.020 Definitions.
  8.36.030 Unlawful camping.

* Prior ordinance history: Ord. No. 3075.

8.36.010 Purpose.
Public streets, public parks, public beaches and other public property within the city should be readily accessible to residents and the public at large. The use of these areas for camping can interfere with the rights of others to use these areas for the purposes for which they were intended. Camping can also endanger the public health and the environment when camping-related waste is disposed of improperly. The purpose of this section is to maintain public streets, public parks, public beaches and other public property within the city in a clean and accessible condition and to protect the public health and environment by ensuring that camping occurs only in those areas where appropriate provisions have been made for handling camping-related waste. (Ord. NS-542 § 1, 2000)

8.36.020 Definitions.
As used in this chapter:
"Camp" means to use camp paraphernalia in an outdoor area or to erect or occupy a camp facility.
"Camp facility" includes a tent, hut, tarpaulin, or other temporary outdoor shelter used for sleeping or living quarters. "Camp facility" also includes a camper, motor home, recreational vehicle, or other vehicle while parked and being used for sleeping or living quarters.
"Camp paraphernalia" includes cots, beds, hammocks, sleeping bags, bedrolls, portable cooking equipment and similar gear. (Ord. NS-542 § 1, 2000)

8.36.030 Unlawful camping.
It is unlawful for any person to camp in or upon any public street, public park, public beach, or other public property, except in areas which have been specifically posted and designated for such purposes. (Ord. NS-542 § 1, 2000)
Chapter 8.44

ALCOHOLIC BEVERAGES

Sections:

8.44.010 Alcoholic beverages defined.
8.44.020 Drinking on beach prohibited.
8.44.030 Possession of open containers of alcoholic beverages on or near premises where liquor sold prohibited.
8.44.040 Consuming or possessing an open container of alcoholic beverages in certain public places and parks owned by the city prohibited.
8.44.050 Severability.

8.44.010 Alcoholic beverages defined.
“Alcoholic beverages,” for the purposes of this chapter, includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more of alcohol by volume, and which is fit for consumption either alone or when diluted, mixed or combined with other substances. (Ord. 3106 § 1, 1977)

8.44.020 Drinking on beach prohibited.
No person shall consume any alcoholic beverage on any public beach or beach which is open to the public; or on any street, sidewalk, alley, highway, public parking lot or bluff-top whether improved or unimproved adjacent to such beach. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the state. This section shall not apply to the consumption of alcoholic beverages on any private residential property, including hotels or motels, located in any area specified in this section, or on the South Carlsbad State Beach Campgrounds. (Ord. 3188 § 1, 1985; Ord. 3174, 1984; Ord. 3106 § 1, 1977)

8.44.030 Possession of open containers of alcoholic beverages on or near premises where liquor sold prohibited.
A. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9, commencing with Section 23000, of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed and posted premises. Any person violating this section shall be guilty of an infraction and shall be punished as provided in Chapter 1.08 of this code.

B. As used in subsection A of this section, “posted premises” means those premises which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk, that the provisions of subsection A of this section are applicable.

C. The provisions of this section shall not apply to a private residential parking lot which is immediately adjacent to the posted premises, or to any premises which are not posted as provided in this section. (Ord. 3173 § 1, 1984)
8.44.040  Consuming or possessing an open container of alcoholic beverages in certain public places and parks owned by the city prohibited.
A. No person shall possess any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, nor shall any person consume any alcoholic beverage in any city-owned public places and park identified in this section as:
   1. Any public street, sidewalk, alley, highway or public parking lot in the city’s V-R Village Redevelopment Zone, as that zone is designated in Chapter 21.35 of this code, as amended.
   2. Rotary Park located at 2900 block of Washington Street, bordered to the west by Washington Street, bordered to the east by the west alley of State Street immediately east of the Atchison, Topeka and Santa Fe Rail Road tracks, bordered to the south by Carlsbad Village Drive and bordered to the north by Grand Avenue in the City of Carlsbad.
B. Any of the prohibitions set forth in this section may be waived during a special event when a special event permit requesting a waiver has been granted by the city manager or designee.
C. This section does not apply when an individual is in possession of an alcoholic beverage container for the purpose of recycling or other related activity. (Ord. NS-860 § 1, 2007)

8.44.050  Severability.
If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter 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 ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. (Ord. NS-860 § 1, 2007)
Chapter 8.45

CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES BY MINORS
AT PARTIES, EVENTS OR GATHERINGS

Sections:
8.45.010 Definitions.
8.45.020 Unsupervised consumption of alcohol by minor.
8.45.030 Hosting, permitting, or allowing a party, gathering or event where minors consume alcoholic beverages or controlled substances prohibited.
8.45.040 Penalties.
8.45.045 Cost recovery for law enforcement services.
8.45.050 Severability.
8.45.060 Reservation of legal options.

8.45.010 Definitions.
“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Alcoholic beverages,” for the purposes of this chapter, includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more of alcohol by volume, and which is fit for consumption either alone or when diluted, mixed or combined with other substances.

“Controlled substances or illegal drugs” shall include all narcotics or drugs, the possession of which is illegal under the laws of the State of California as defined under the Penal Code, Health and Safety Code, and related statutes.

“Guardian” means (1) a person who, under court order, is the guardian of the subject juvenile, or (2) a public or private agency with which the court has placed the subject juvenile.

“Minor” means any person under the age of 21.

“Parent” means a person who is a natural parent, adoptive parent, or stepparent of the subject minor.

“Party, gathering or event” means a group of persons who have assembled or are assembling for a party, social occasion or social activity.

“Person responsible for the party, gathering or event” includes, but is not limited to: (1) the person(s) who owns, rents, leases, or otherwise has control of the premises where the party, gathering or event takes place; (2) the person(s) in charge of the premises; or (3) the person(s) who organized the event.

“Premises” means any residence or other private property, place, or premises including any commercial or business premises. (Ord. CS-053 § 1, 2009)

8.45.020 Unsupervised consumption of alcohol by minor.
Except as permitted by state law, no minor shall:
A. Consume in any public place or any place open to the public any alcoholic beverage, controlled substance or alcoholic beverage and controlled substance; or
B. Consume in any place not open to the public any alcoholic beverage, controlled substance or alcoholic beverage and controlled substance. (Ord. CS-053 § 1, 2009)
8.45.030 Hosting, permitting, or allowing a party, gathering or event where minors consume alcoholic beverages or controlled substances prohibited.

A. It is unlawful for any person having control of any premises to knowingly suffer, permit, allow, or host a party, gathering, or event at said premises where three or more persons are present whenever the person having control of the premises either knows a minor consumed an alcoholic beverage and/or a controlled substance or reasonably should have known that a minor consumed an alcoholic beverage and/or controlled substance. For purposes of this subsection, a person reasonably should have known that a minor consumed alcoholic beverage and/or a controlled substance if that person did not take reasonable steps to prevent the consumption of an alcoholic beverage and/or controlled substance by a minor as set forth in subsection B of this section. This section shall not apply to conduct involving the use of alcohol which occurs exclusively between a minor child and his or her parent or legal guardian, as permitted by Article 1, Section 4 of the California Constitution, or conduct which is otherwise permitted under state or federal law.

B. Reasonable steps include controlling access to alcoholic beverages at the party, gathering or event when minors are present; controlling the quantity of alcoholic beverages at the party, gathering or event when minors are present; verifying the age of persons attending the party, gathering or event by inspecting driver’s licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages and/or controlled substances while at the party, gathering or event; and supervising the activities of minors at the party, gathering or event. (Ord. CS-053 § 1, 2009)

8.45.040 Penalties.

A. Except as otherwise provided in subsection B of this section, any person violating any provision of this chapter is guilty of a misdemeanor punishable by a fine of $1,000.00 or by imprisonment for a period of not to exceed six months, or by both fine and imprisonment.

B. Notwithstanding any provision to the contrary, the city attorney shall have the discretion to reduce to an infraction any act made unlawful pursuant to subsection A of this section, if the city attorney determines such a reduction is warranted in the interest of justice. The factors the city attorney may consider in determining whether to reduce the charge to an infraction, include but are not limited to, the following:
   1. The number of persons attending the party, gathering or event.
   2. The number of minors attending the party, gathering or event.
   3. The source of the alcoholic beverages or controlled substances.

C. Penalties for a violation of this chapter shall supersede the penalties set forth in Section 1.08.010 of this code. (Ord. CS-053 § 1, 2009)

8.45.045 Cost recovery for law enforcement services.

A. When any party, gathering or event occurs on private property as described in Section 8.45.030 and a police officer at the scene determines that there is a threat or detriment to the public peace, health, safety or general welfare, the person(s) responsible for the party, gathering or event shall be liable for the actual cost of enforcement services provided during a response by the law enforcement personnel.

B. The actual cost of the law enforcement services, described in Section 8.45.030, shall be deemed a debt owed to the city by the responsible person for the party, gathering or event.

C. For the purpose of this section, the following definitions shall apply:
   1. “Actual costs” include the salaries of the police officers for the amount of time actually spent in responding to or remaining at the party, gathering or event, at a rate established by the city manager plus the actual cost of any medical treatment to injured city employees and the cost of repairing any damaged city equipment or property.
   2. “Responsible person” is the person or persons who own the property where the party takes place or who are in charge of the premises or who organized the party, gathering or event. If the re-
sponsible person is a person under the age of 18, then that person’s parents or guardians will jointly and severally be liable for the actual costs.

D. If the police are required to make a response to a party, gathering or event, then the city shall compute the costs of such response. A bill for the costs incurred by the city for its response shall be prepared and delivered to the responsible person who shall be liable for its payment. The amount of the charge shall be deemed a debt to the city of the responsible person who shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney’s fees and costs.

E. The city manager is authorized to adopt appropriate procedures for billing and other matters necessary for the administration of this section.

F. Any person aggrieved by any decision of the city manager to bill for costs of a response may appeal to the city council by filing a notice of appeal with the city clerk within 15 days of the date of the billing. Failure to file an appeal shall be deemed a waiver of the appellant’s right to contest the bill for costs. Upon the filing of such request, the city clerk shall set a time and place for the hearing and shall notify the appellant thereof. At the hearing, any person may present evidence in opposition to or in support of the appellant’s case. At the conclusion of the hearing, the city council may affirm, reverse or modify the decision and the decision of the city council shall be final. (Ord. CS-152 § 1, 2011)

8.45.050 Severability.
If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter 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 ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. (Ord. CS-053 § 1, 2009)

8.45.060 Reservation of legal options.
The City of Carlsbad does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the statutory authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter. (Ord. CS-053 § 1, 2009)
Chapter 8.48

NOISE

Sections:
8.48.010 Construction hours limitations.
8.48.020 Exceptions.
8.48.030 Signage.

8.48.010 Construction hours limitations.
It shall be unlawful to operate equipment or perform any construction in the erection, demolition, alteration, or repair of any building or structure or the grading or excavation of land during the following hours, except as hereinafter provided:
A. After 6:00 p.m. on any day, and before 7:00 a.m., Monday through Friday, and before 8:00 a.m. on Saturday;
B. All day on Sunday; and
C. On any federal holiday. (Ord. CS-211 § 2, 2013; Ord. 3109 § 1, 1978)

8.48.020 Exceptions.
A. An owner/occupant or resident/tenant of residential property may engage in a home improvement or home construction project between the hours of 8:00 a.m. and 6:00 p.m. on Sundays and holidays, subject to modification by subsection B of this section, provided such project is for the benefit of said residential property and is personally carried out by said owner/occupant or resident/tenant.
B. The building official, city engineer, or other official designated by the city manager may modify the hours of construction specified in Section 8.48.010. In making a determination to lengthen or shorten the hours of construction, the city official shall consider the following:
1. Whether the project is an emergency repair required to protect the health and safety of any member of the community;
2. Whether the construction would be less objectionable at night than during daylight hours;
3. The character and nature of the neighborhood in the vicinity of the work site;
4. The potential for great economic hardship;
5. If the work is in the interest of the general public;
6. Whether there is a previously unforeseen effect on the health, safety or welfare of the public; and
7. Any history of complaints regarding compliance with the limitation on hours of construction. (Ord. CS-211 § 2, 2013; Ord. 3109 § 1, 1978)

8.48.030 Signage.
Signs shall be posted at jobsite entrance(s) indicating hours of work as prescribed by this title or as modified by the designated city official. Letters shall be a minimum of four inches high with a minimum stroke width of one-half inch. (Ord. CS-211 § 2, 2013)
Chapter 8.49

GASOLINE PRICE ADVERTISING

Sections:
8.49.010 Required price advertising.
8.49.020 Sale of gasoline by liters.
8.49.030 Consistency with Business and Professions Code.
8.49.040 Conformance with sign regulations.

8.49.010 Required price advertising.
A. Every person, firm, partnership, association, or corporation which owns, operates, manages, leases, or rents a gasoline service station or other facility offering for sale, selling, or otherwise dispensing gasoline or other motor vehicle fuel to the public from such a facility abutting or adjacent to a street or highway, shall post or cause to be posted or displayed and maintained at said premises at least one sign, banner, or other advertising medium which is clearly visible from all lanes of traffic in each direction on such street and highway. Each said sign, banner, or other advertising medium shall be readable from said traffic lanes and shall indicate thereon the actual price per gallon or liter, including all taxes, at which each grade of gasoline or other motor vehicle fuel is currently being offered for sale, sold, or otherwise dispensed, if at all, at said facility on said date.
B. No person, firm, partnership, association, trustee, or corporation which owns, operates, manages, leases, or rents a gasoline service station or other facility offering for sale, selling, or otherwise dispensing gasoline or other motor vehicle fuel to the public shall advertise, either in conjunction with any sign, banner, or other advertising medium utilized to satisfy the requirements of this section or otherwise, the price of any grade of gasoline or other motor vehicle fuel which is not immediately available to be sold or dispensed to the public at said premises. (Ord. 3114 § 1, 1979)

8.49.020 Sale of gasoline by liters.
Each sign required by Section 8.49.010 shall advertise the price of gasoline per liter only if such information is clearly designated on said sign and only if gasoline or other motor vehicle fuel is actually being sold by the liter. (Ord. 3114 § 1, 1979)

8.49.030 Consistency with Business and Professions Code.
Each sign, banner, or other advertising medium posted or displayed or maintained pursuant to the requirements of this chapter shall be consistent with the provisions of Division 5, Chapter 14, Article 12, Sections 13530 et seq.) of the California Business and Professions Code. (Ord. 1296 § 14, 1987; Ord. 3114 § 1, 1979)

8.49.040 Conformance with sign regulations.
Each sign, banner, or other advertising medium posted, displayed, or maintained pursuant to the requirements of this chapter, shall be subject to the regulations imposed by Chapters 18.20 and 21.41 of this code, except that the information required by this chapter shall not be included in total sign area. (Ord. 3114 § 1, 1979)
Chapter 8.50

ALARM SYSTEMS

Sections:
8.50.005 Authority.
8.50.010 Definitions.
8.50.020 Registration of alarm agents.
8.50.030 Alarm permits.
8.50.035 Owner or lessee responsibilities.
8.50.040 Direct dial telephone devices.
8.50.050 Suspension of alarm permits.
8.50.055 Appeals to the chief of police.
8.50.060 Appeals to city council.
8.50.070 Unauthorized alarm.
8.50.080 False alarm penalty assessment.
8.50.090 Alarm systems standards and regulations.
8.50.100 Automatic shut-off requirements.
8.50.110 Delay device requirements.
8.50.120 Power supply requirements.
8.50.130 Alarm testing.
8.50.140 Prohibitions.
8.50.150 Limitation on liability.
8.50.160 Administrative regulations.
8.50.170 Criminal penalties.

8.50.005 Authority.
This chapter is adopted pursuant to Business and Professions Code Section 7592.8. (Ord. 1278 § 1, 1985)

8.50.010 Definitions.
For the purpose of this chapter, the following words and phrases shall be construed as set forth in this section unless it is apparent from the context that a different meaning is intended.

“Alarm agent” means any person employed by an alarm business whose duties include selling, altering, installing, maintaining, moving, repairing, replacing, servicing, monitoring, responding to or causing others to respond to an alarm system, in or on any building, structure or facility or the supervisor or manager of a person employed by an alarm business to perform any of those duties. This definition shall not apply to any person employed by the city police department or fire department while the person is acting within the course and scope of his or her employment.

“Alarm business” means the business carried on by an individual, partnership, corporation or other entity of leasing, selling, maintaining, servicing, repairing, altering, replacing, moving, monitoring, responding to or causing the response to, or installing any alarm system or causing to be leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility. Alarm business does not include any business excluded from Business and Professions Code Section 7590.2.

“Alarm system” means any electrical or mechanical device which is designed or used for the detection of any emergency condition, except fire, at a building, structure or facility, when such detection causes a local audible signal or transmission of a signal or message, or which is used to evoke a police or medical emergency response. Fire alarm systems are specifically excluded from this definition. Devices which are not used or designed to be audible, visible or perceptible outside of the protected building,
structure or facility, and auxiliary devices installed by a telephone company to protect a telephone system from damage or disruption are not included in this definition.

“Audible alarm” means the sound generated by a device for the detection of an emergency condition at a building, structure or facility.

“City” means the City of Carlsbad.

“Day” means one calendar day.

“Emergency condition” means any condition which may exist requiring immediate police or fire department response to safeguard lives and/or property.

“False alarm” means the activation of an alarm system through mechanical failure or malfunction, or accidental tripping, misoperation or misuse by the lessee or owner of the alarm system or his/her employee or agent, including mechanical failure or malfunction caused by negligent maintenance of the system. False alarm shall not include alarms caused by malfunction of telephone line circuits or external causes beyond the control of the owner or lessee of the system.

“Fire alarm system” means any system, equipment or device designed or used to warn occupants or notify other persons of a fire condition in or on any building, structure or facility. Fire alarms are exempt from this chapter.

“Lessee” means any person who leases an alarm system or subscriber service for the purpose of detecting an emergency condition at any building, structure or facility.

“Person” means any person, firm, corporation, association, partnership, individual, organization or company.

“Silent alarm” means any alarm system activation that cannot be detected at the building, structure or facility of activation.

“Smoke detector” means a device which senses visible or invisible particles of combustion and is designed to emit upon activation an audible sound sufficient only to provide warning to the occupants of the building, structure or facility in which such device is situated. This chapter shall not apply to smoke detectors.

For the purpose of this chapter, whenever the singular or masculine is used, the term shall be deemed to include the plural, feminine or body corporate as necessary. (Ord. 1278 § 1, 1985)

8.50.020 Registration of alarm agents.

No person shall be employed or operate as an alarm agent or an alarm business without first registering his or her name and a copy of his or her state issued identification card with the chief of police. Every alarm agent while so engaged shall carry on his or her person the state issued identification card and shall display such card to any police officer upon demand. (Ord. 1278 § 1, 1985)

8.50.030 Alarm permits.

No person shall install, maintain, lease, service, repair, alter, replace, move, use any security or emergency alarm system without first obtaining a city alarm permit. A fee established by the city council by resolution and an application approved by the chief of police shall be required for such permit. The alarm permit application shall include the alarm location, type of alarm system (silent or audible activation), type of response requested (robbery, burglary or medical emergency), name of business (if applicable), name, home address, phone number of alarm user, subscriber or owner, telephone number at alarm location and additional names, addresses, and phone numbers of responsible persons for emergency notification. The alarm permit shall be required for each building, structure or facility that uses an alarm system that could evoke an emergency response. Alarm permits are issued indefinitely to the alarm user, subscriber, or owner provided the requirements of this chapter are not violated. A new permit shall be required upon sale or transfer of alarm location. (Ord. NS-68 § 7, 1989; Ord. NS-53 § 1, 1989; Ord. 1278 § 1, 1985)
8.50.035 Owner or lessee responsibilities.
The owner or lessee of an alarm system or systems shall provide the chief of police with his or her current mailing address and the names, addresses and phone numbers of two persons to contact in the event of an emergency. In the event his or her own mailing address or the names, addresses and phone numbers of such persons change, the owner, or lessee shall supply the changes to the chief of police within two days of the change. The person or persons listed shall be required to be present at the alarm location within 20 minutes after being advised that the city police department has received any signal or message of alarm activation indicating an emergency condition. Violation of this section is grounds for revocation of an alarm permit. (Ord. 1278 § 1, 1985)

8.50.040 Direct dial telephone devices.
No person shall lease, maintain, service, repair, alter, move, install or use any alarm system which directly dials any telephone number of the city police department or the city fire department. (Ord. 1278 § 1, 1985)

8.50.050 Suspension of alarm permits.
If, at any time it shall come to the attention of the chief of police that the owner or lessee of an alarm system has violated any provision of this chapter, rules or regulations made pursuant to this chapter, including but not limited to, false alarms which exceed the numbers permitted pursuant to Section 8.50.080 of this chapter, or has failed or refused to pay the false alarm penalty assessment fee as provided in this chapter, the chief of police may serve such owner or lessee with a written order of permit suspension, which shall state the reason or reasons for such suspension. The order shall be effective immediately if personally served or 72 hours after the order has been deposited by certified mail in any branch of the United States Post Office, addressed to the owner or lessee of such alarm system. The order shall contain notice of the appeal procedure established by this chapter. Immediately upon an order becoming effective, the owner or lessee shall discontinue using the alarm system. The alarm system or systems shall not thereafter be used until all necessary repairs have been made and verified by the chief of police, or the owner or lessee satisfied the chief of police that such system or systems shall be properly used in the future and the chief of police has authorized in writing use of the system or systems. (Ord. NS-53 § 2, 1989; Ord. 1278 § 1, 1985)

8.50.055 Appeals to the chief of police.
Any action taken pursuant to this chapter may be appealed to the chief of police in writing within 10 days of notice of the action. The appeal shall be addressed to the chief of police and shall set forth the facts and circumstances regarding the action. The chief of police shall notify the appellant in writing of the time and place set for hearing the appeal. The chief of police or designate shall consider all relevant evidence and shall determine the merits of the appeal. The action appealed shall be stayed during the pendency of the appeal. (Ord. 1278 § 1, 1985)

8.50.060 Appeals to city council.
Any action which has been appealed to the chief of police may be appealed to the city council by filing a written appeal with the city clerk within 10 days of the police chief's action. The city clerk shall notify the appellant in writing of the time and place set for hearing of the appeal. The city council, at its next regular meeting, held not less than 10 days from the date on which such appeal has been filed with the city clerk, shall hear the appellant and the chief of police shall consider all relevant evidence and shall determine the merits of the appeal. The city council may affirm, overrule or modify the decision of the chief of police and the decision of the city council shall be final. (Ord. 1278 § 1, 1985)

8.50.070 Unauthorized alarm.
When an audible alarm message or signal is received by the city police or fire department that fails to comply with any of the requirements of this chapter, the chief of police is authorized to demand that the owner,
lessee or the representative of the alarm system initiating such audible alarm, message or signal disconnect
the alarm system until it is made to comply with the requirements of this chapter. (Ord. 1278 § 1, 1985)

8.50.080 False alarm penalty assessment.
Except as provided in this chapter, any person maintaining, using or possessing an alarm system which re-
results in a police response in which the alarm proved to be a false alarm, shall pay a penalty assessment fee
to the city as follows:
A. A written warning for the first false alarm;
B. For the second false alarm occurring within a one-year period following the written warning above, a
penalty shall be assessed the amount of which shall be established by resolution of the city council;
C. For the third and subsequent false alarms occurring within a one-year period following the written
warning above, a penalty shall be assessed the amount of which shall be established by resolution of
the city council;
D. In addition to the foregoing, for the fourth and subsequent false alarms occurring within a one-year pe-
riod following the written warning above, the chief of police may discontinue any response to an alarm
at the business or residence location until satisfactory proof of correction has been provided. Proof of
correction shall be a written letter from the resident, occupant or person residing at the property or from
the alarm company stating that the problem has been corrected and that all occupants or employees
are aware of the alarm, its location, its method of activation and have been trained regarding its use to
prevent its accidental activation. Upon receipt of satisfactory evidence of correction of a faulty system
or upon installation of a new alarm system, the chief of police shall initiate a new one-year period for
the purposes of counting false alarms.
The time periods specified above shall not commence until three months after the issuance of an alarm
permit;
E. In addition to any other relief, for those alarms which are designed to be activated while a business is
open to the public or occupied and which require activation by an employee or a residential alarm
which is designed to be activated by a person from within the residence which alarms indicate the
commission of a crime defined by California Penal Code Section 211 (robbery) or Section 459 (burg-
glary) and which exceed the maximum allowable number of false alarms as set forth in this section
shall pay a penalty assessment of $100.00. (Ord. NS-230 §§ 1, 2, 1993; Ord. NS-53 § 3, 1989; Ord.
1278 § 1, 1985)

8.50.090 Alarm systems standards and regulations.
The city reserves the right to inspect all alarm systems installed within the city to assure compliance with this
chapter. (Ord. 1278 § 1, 1985)

8.50.100 Automatic shut-off requirements.
All alarm systems, excluding fire alarms, shall include a device which will limit the generation of audible
sound to not longer than 15 minutes after activation. (Ord. 1278 § 1, 1985)

8.50.110 Delay device requirements.
All burglary detection alarm systems, excluding such alarm systems which generate an audible alarm, shall
include a device on all entry and exit doors which will provide a 30 second delay before the original alarm
transmission and immediately upon being activated shall emit a signal in such a manner as to be perceptible
to a person lawfully entering, leaving or occupying the premises. Such a device is intended to provide an
opportunity for the person having lawful control of the alarm system to terminate its operation after activation
but prior to the transmission of a false alarm. (Ord. 1278 § 1, 1985)
8.50.120 Power supply requirements.
A security or emergency alarm system shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of the normal utility electric service will not activate the alarm system. The backup power supply must be capable of at least four hours of continuous operation. (Ord. 1278 § 1, 1985)

8.50.130 Alarm testing.
An owner or lessee of an alarm system shall notify his or her central receiving station or answering service and the city police or fire department prior to any service, test, repair, maintenance, adjustment, alteration or installation of the alarm system which might activate a false alarm and result in a police or fire department response. Any alarm system activated when such prior notice has been given shall not constitute a false alarm. (Ord. 1278 § 1, 1985)

8.50.140 Prohibitions.
A. After the effective date of the ordinance codified in this chapter, it shall be unlawful to install or modify an alarm system which upon activation emits sounds similar to sirens used on emergency vehicles or for civil defense purposes.
B. It shall be unlawful to transmit an alarm indicating that an emergency exists without being specific as to the type of emergency, such as robbery, burglary, fire or medical emergency. (Ord. 1278 § 1, 1985)

8.50.150 Limitation on liability.
The city is under no obligation or duty to any owner or lessee of an alarm system or any other person by reason of any provision in this chapter, or the exercise of any privilege by any owner or lessee of an alarm system, including, but not limited to, any defects in a security or emergency alarm system, any delay in transmission of an alarm message to any emergency unit, or damage caused by nonresponse or in responding to any alarm by any city officer, employee or agent. (Ord. 1278 § 1, 1985)

8.50.160 Administrative regulations.
The chief of police may adopt and administer such regulations as are necessary and convenient in order to carry out the provisions of this chapter. (Ord. NS-53 § 4, 1989)

8.50.170 Criminal penalties.
Any person who wilfully violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000.00, or imprisonment in the county jail not exceeding six months, or both. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person. (Ord. NS-53 § 5, 1989; Ord. 1278 § 1, 1985)
Chapter 8.54

PICKETING

Sections:
8.54.010 Intent and purpose.
8.54.020 Targeted residential picketing prohibited.

8.54.010 Intent and purpose.
It is the intent of the city council in enacting Section 8.54.020 to adopt a limited prohibition against targeted residential picketing which shall be construed and applied in accordance with the interpretation given to a similar ordinance by the United States Supreme Court in Frisby v. Schultz (1988) 487 U.S. 474. Section 8.54.020 shall only prohibit picketing focused on and taking place in front of a particular residence. The limited purpose of the prohibition is to preclude intrusion upon the constitutionally protected privacy rights of the targeted resident. (Ord. NS-314 § 1, 1995; Ord. NS-241 § 1, 1993)

8.54.020 Targeted residential picketing prohibited.
It is unlawful for any person to engage in picketing activity that is targeted at and is within 300 feet of a residential dwelling.
A. For purposes of this section, the term “residential dwelling” means any permanent building being used by its occupants solely for nontransient residential uses.
B. For purposes of this section, the term “targeted picketing” means picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.
C. This section does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling. (Ord. NS-314 § 2, 1995; Ord. NS-241 § 1, 1993)
8.60.010 Purpose.

It is the purpose and intent of this chapter to regulate the operations of adult businesses, which tend to have judicially recognized adverse secondary effects on the community, including, but not limited to, increases in crime in the vicinity of adult businesses; decreases in property values in the vicinity of adult businesses; increases in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate or patronize adult businesses.

It is, therefore, the purpose of this chapter to establish reasonable and uniform operational standards for adult businesses. (Ord. NS-761 § 3, 2005)

8.60.020 Definitions.

In addition to any other definitions contained in this code, the following words and phrases shall, for the purpose of this chapter and Chapters 11.28 and 21.43 be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of this code, these definitions shall prevail.

“Adult arcade” means a business establishment to which the public is permitted or invited and where coin, card or slug-operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.” Such devices shall be referred to as “adult arcade devices.”

“Adult booth/individual viewing area” means a partitioned or partially enclosed portion of an adult business used for any of the following purposes:
1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”;

2. Where “adult arcade devices” are located.

“Adult business” means:

1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio; or

2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes “adult oriented material” or “sexually oriented merchandise,” or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” but not including those uses or activities which are preempted by state law.

“Adult cabaret” means a business establishment (whether or not serving alcoholic beverages) that features “adult live entertainment.”

“Adult cabaret dancer” means any person who is an employee or independent contractor of an “adult cabaret” or “adult business” and who, with or without any compensation or other form of consideration, performs as a sexually-oriented dancer, exotic dancer, stripper, go-go dancer or similar dancer whose performance on a regular and substantial basis focuses on or emphasizes the adult cabaret dancer’s breasts, genitals, and or buttocks, but does not involve exposure of “specified anatomical areas” or depicting or engaging in “specified sexual activities.” “Adult cabaret dancer” does not include a patron.

“Adult hotel/motel” means a “hotel” or “motel” (as defined in this code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to “specified sexual activities” or “specified anatomical areas.”

“Adult live entertainment” means any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which: (1) the performer (including but not limited to topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, “specified anatomical areas,” and/or (2) the performance or physical human body activity depicts, describes, or relates to “specified sexual activities” whether or not the specified anatomical areas are covered.

“Adult modeling studio” means a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays “specified anatomical areas” to be observed, sketched, photographed, filmed, painted, sculpted, or otherwise depicted by persons paying for such services. “Adult modeling studio” does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

“Adult motion picture theater” means a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, digital video disks, holograms, virtual reality devices, or similar electronically-generated reproductions that is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

“Adult oriented material” means accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.” “Adult oriented material” shall include “sexually oriented merchandise.”
“Adult retail store” means a business establishment having as a regular and substantial portion of its stock in trade, “adult oriented material.”

“Establishment of an adult business” means any of the following:
1. The opening or commencement of any “adult business” (as defined above) as a new business;
2. The conversion of an existing business, whether or not an “adult business,” to any “adult business”;
3. The addition of any “adult business” to any other existing “adult business”;
4. The relocation of any “adult business”; or
5. Physical changes that expand the square footage of an existing “adult business” by more than 10%.

“Owner/license holder” means any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) the owner of a controlling interest in a corporation or L.L.C. that owns and operates an adult business; or (4) the person designated by the officers of a corporation or the members of an L.L.C. to be the license holder for an adult business owned and operated by the corporation.

“Performer” means a person who is an employee or independent contractor of an adult business or any other person who, with or without any compensation or other form of consideration, provides adult live entertainment for patrons of an adult business.

“Sexually oriented merchandise” means sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

“Specified anatomical areas” means and includes any of the following:
1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
   a. Genitals, pubic region;
   b. Buttocks, anus; or
   c. Female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

“Specified sexual activities” means and includes any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:
1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual stimulation or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (Ord. NS-761 § 3, 2005)
8.60.030 Operating standards.

A. Hours of Operation. It shall be unlawful for any owner, operator, manager, employee or independent contractor of an adult business to allow such adult business to remain open for business, or to license any employee, independent contractor or performer to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 12:00 a.m. and 10:00 a.m. of any day excepting herefrom an "adult hotel/motel."

B. Exterior Lighting Requirements. All exterior areas, including parking lots, of the adult business shall be illuminated at a minimum of 1.50 foot-candle, maintained and evenly distributed at ground level with appropriate devices to screen, deflect or diffuse the lighting in such manner as to prevent glare or reflected light from creating adverse impacts on adjoining and nearby public and private properties. Inoperable and/or broken lights shall be replaced within 24 hours.

C. Interior Lighting Requirements. All interior areas of the adult business excepting therefrom adult hotels/motels shall be illuminated at a minimum of 1.00 foot-candle, maintained and evenly distributed at floor level. Inoperable and/or broken lights shall be replaced within 24 hours, excepting herefrom an "adult hotel/motel."

D. Regulation of Adult Booth/Individual Viewing Area.
   1. No adult booth/individual viewing area shall be occupied by more than one individual at a time.
   2. Each adult booth/individual viewing area within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing the entire interior of the adult booth/individual viewing area from the main aisle. A manager shall be stationed in the main aisle at all times. Further, no one shall maintain any adult booth/individual viewing area in any configuration unless the entire interior wherein the picture or entertainment that is viewed is visible from one main aisle. The entire body of any patron in any adult booth/individual viewing area must be visible from the main aisle without the assistance of mirrors or any other device.
   3. No doors are permitted on an adult booth/individual viewing area. No partially or fully enclosed adult booth/individual viewing areas or partially or fully concealed adult booth/individual viewing areas shall be maintained.
   4. No holes or other openings shall be permitted between adult booths/individual viewing areas. Any such hole or opening shall be repaired within 24 hours using "pop" rivets to secure metal plates over the hole or opening to prevent patrons from removing the metal plates.
   5. No beds, couches or chairs with a sitting area greater than 24 inches wide shall be permitted in an adult booth/individual viewing area.

E. On-Site Manager; Security Measures. All adult businesses shall have a responsible person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. No performer may serve as the manager. The individual(s) designated as the on-site manager shall provide his or her name to the chief of police to receive all complaints and be given by the owner and/or operator the responsibility and duty to address and immediately resolve all violations taking place on the premises.

All adult businesses shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, state-licensed, uniformed security guards to patrol and monitor the parking lot areas during all times during which the business is open. If the business employs security guards, they shall provide written confirmation to the chief of police prior to their employment that the guards are duly registered. No performer may serve as a security guard.

F. Interior of Premises. No exterior door or window on the premises of an adult business shall be propped or kept open at anytime while the business is open and any exterior windows shall be covered with opaque coverings at all times.
G. Signs. All adult businesses shall comply with the following sign requirements, in addition to those of this code. Should a conflict exist between the requirements of this code and this subsection, the more restrictive shall prevail.

1. If an adult business does not serve alcohol, it shall post a notice inside the establishment, within 10 feet of every entrance used by customers for access to the establishment, stating that persons below the age of 18 years of age are prohibited from entering onto the premises or within the confines of the adult business. This notice shall be posted on a wall in a place of prominence. The dimensions of the notice shall be no less than six inches by six inches, with a minimum typeface of 25 points. If the adult business serves alcohol, it shall comply with all notice and posting requirements of the Alcoholic Beverage Control Department.

2. No adult-oriented material shall be displayed in window areas or any area where it would be visible from any location other than within the confines of the adult business.

H. Regulation of Public Restroom Facilities. If the adult business provides restrooms for patron use, it shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from adult-oriented material. Only one person shall be allowed in each restroom at any time, unless otherwise required by law, in which case the adult business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall insure that no person of the opposite sex is permitted into the restroom, and that not more than one person is permitted to enter a restroom stall, unless otherwise required by law, and that the restroom facilities are used only for their intended sanitary purposes. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.

I. Trash. All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag or with individually bagged trash at least once a day. At least four times a day, the front and rear exteriors of any adult business, along with the parking lot, shall be inspected for trash and debris and any trash and debris found shall be immediately removed and placed into a single locked trash bin lined with a plastic bag.

J. Adult Business Offering Adult Live Entertainment—Additional Operating Requirements. The following additional requirements shall apply to adult businesses providing adult live entertainment:

1. No person shall perform adult live entertainment for patrons of an adult business except upon a permanently fixed stage at least 18 inches above the level of the floor, and surrounded with a three foot high barrier or by a fixed rail at least 30 inches in height. No patron shall be permitted on the stage while the stage is occupied by a performer(s) and/or adult cabaret dancer(s). This provision shall not apply to an individual viewing area where the performer is completely separated from the area in which the performer is viewed by an individual by a permanent, floor to ceiling, solid barrier.

2. No performer or adult cabaret dancer shall be within six feet of a patron, measured horizontally, while the performer or adult cabaret dancer is performing adult live entertainment. While onstage, no performer or adult cabaret dancer shall have physical contact with any patron, and no patron shall have physical contact with any performer or adult cabaret dancer.

3. As to off-stage performances, no performer or adult cabaret dancer shall perform “adult live entertainment” off-stage. As to an adult cabaret dancer performing off-stage, a distance of at least six feet shall be maintained between the adult cabaret dancer and the patron(s) at all times. During off-stage performances, no adult cabaret dancer shall have physical contact with any patron, and no patron shall have physical contact with any adult cabaret dancer.

4. In addition, while on the premises, no performer or adult cabaret dancer shall have physical contact with a patron and no patron shall have physical contact with a performer or adult cabaret dancer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft of the buttocks, perineum, anal region, or female breast with any part of area of any other person’s body either before or after any adult live entertainment or off stage perform-
ances by such performer or adult cabaret dancer. Patrons shall be advised of the no touching re-
quirements by signs and, if necessary, by employees, independent contractors, performers, or
adult cabaret dancers of the establishment. This prohibition does not extend to incidental touch-
ing.

5. Patrons shall be advised of the separation and no touching requirements by signs conspicuously
displayed and placed on the barrier between patrons and performers and utilizing red or black
printing of letters not less than one inch in size. And, if necessary, patrons shall also be advised
of the separation and no touching requirements by employees or independent contractors of the
establishment.

6. All employees and independent contractors of the adult facility, except therefrom performers while
performing on the fixed stage, while on or about the premises or tenant space, shall wear at a
minimum an opaque covering which covers their specified anatomical areas.

7. Patrons shall not throw money to performers, place monies in the performers’ costumes or other-
wise place or throw monies on the stage. If patrons wish to pay or tip performers, payment or tips
may be placed in containers. Patrons shall be advised of this requirement by signs conspicuously
displayed and placed on the barrier between patrons and performers and utilizing red or black
printing of letters not less than one inch in size. If necessary, patrons shall also be advised of the
 tipping and gratuity requirements by employees or independent contractors of the adult business.

8. The adult business shall provide dressing rooms for performers, that are separated by gender
and exclusively dedicated to the performers’ use and which the performers shall use. Same-
gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.

9. The adult business shall provide an entrance/exit to the establishment for performers that is sepa-
rate from the entrance/exit used by patrons, which the performers shall use at all times.

10. The adult business shall provide access for performers between the stage and the dressing
rooms that is completely separated from the patrons. If such separate access is not physically
feasible, the adult business shall provide a minimum three foot wide walk aisle for performers be-
tween the dressing room area and the stage, with a railing, fence or other barrier separating the
patrons and the performers capable of (and which actually results in) preventing any physical
contact between patrons and performers and the patrons must also be three feet away from the
walk aisle. Nothing in this section is intended to exempt the adult business from compliance with
the provisions of Title 24 of the California Code of Regulations pertaining to handicapped acces-
sibility.

K. Adult Motion Picture Theater—Additional Operating Requirements. The following additional require-
ments shall apply to adult motion picture theaters:

1. If the theater contains a hall or auditorium area, the area shall comply with each of the following
provisions:
   a. Have individual, separate seats, not couches, benches, or the like, to accommodate the
      maximum number of persons who may occupy the hall or auditorium area;
   b. Have a continuous main aisle alongside the seating areas in order that each person seated
      in the hall or auditorium area shall be visible from the aisle at all times; and
   c. Have a sign posted in a conspicuous place at or near each entrance to the hall or audito-
      rium area which lists the maximum number of persons who may occupy the hall or audito-
      rium area, which number shall not exceed the number of seats within the hall or auditorium
      area.

2. If an adult motion picture theater is designed to permit outdoor viewing by patrons seated in
automobiles, it shall have the motion picture screen so situated, or the perimeter of the estab-
ishment so fenced, that the material to be seen by those patrons may not be seen from any pub-
lic right-of-way, child day care facility, public park, school, or religious institution or any residentially zoned property occupied with a residence. (Ord. NS-761 § 3, 2005)

8.60.040 Adult business license.
All adult businesses are subject to the adult business license requirements of this chapter as well as all other applicable ordinances of the city and laws of the State of California.

It shall be unlawful for any person to establish, operate, engage in, conduct, or carry on any adult business within the City of Carlsbad unless the person first obtains, and continues to maintain in full force and effect, an adult business license as herein required. Any “establishment of an adult business” as defined in Section 8.60.020 of this chapter shall require a new application for an adult business license. The adult business license shall be subject to the development and operational standards of this chapter and the regulations of the zoning district in which the facility is located.

If the license applicant is a corporation or L.L.C., the applicant shall provide its complete name, the date of its organization, evidence that the entity is in good standing under the laws of the State of California, the names and capacities of all officers, directors and individuals with managerial control over the facility, the name of the registered agent, and the address of the registered officer or member for service of process. (Ord. NS-761 § 3, 2005)

8.60.050 Felony and misdemeanor convictions.
A. An application for an adult business license shall include a signed and verified statement made by the applicant that the license applicant, if an individual, or by all of the partners, officers, directors, if an L.L.C., partnership or corporation, declaring that none of them has pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex or sex-related offense, and (1) more than two years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor; or (2) more than five years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a felony; or (3) more than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two or more misdemeanors or combination of misdemeanor offenses occurring within any 24-month period.

B. The adult business owner/license holder shall annually submit a signed and verified statement and processing fee to the chief of police declaring that there has been no change with respect to the owner/license holder having within this state or any other state: (1) pled guilty or nolo contendere of a sex or sex-related offense, or (2) been convicted of a sex or sex-related offense. Any plea of guilty or nolo contendere to or conviction of a sex or sex-related offense may be grounds for suspension or revocation of the adult business license, subject to Section 8.60.090 of this chapter. (Ord. CS-062 § III, 2009; Ord. NS-761 § 3, 2005)

8.60.060 Adult business license applications.
A. The completeness of an application for an adult license shall be determined by the chief of police within five working days of its submittal. If the chief of police determines that the license application is incomplete, the chief of police shall immediately notify in writing the license applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five working days following the receipt of an amended application or supplemental information, the chief of police shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.
B. Upon receipt of a completed application and payment of the application and license fees, the chief of police shall immediately write or stamp the application “Received” and, in conjunction with city staff, shall promptly investigate the information contained in the application to determine whether an adult business license shall be granted. Investigation shall not be grounds for the city to unilaterally delay in reviewing a completed application, nor is it grounds to extend the time period to conduct a hearing pursuant to this section.

C. Within 30 days of receipt of the completed application, the chief of police shall issue or deny the license.

D. In reaching a decision, the chief of police shall not be bound by the formal rules of evidence in the California Evidence Code.

E. The failure of the chief of police to render any decision within the time frames established in any part of this section shall be deemed to constitute an approval, subject to appeal to the city manager pursuant to Section 8.60.080. The chief of police’s decision shall be hand delivered or mailed to the applicant at the address provided in the application, and shall be provided in accordance with the requirements of this code.

F. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the city of the pending application. Extensions of time sought by applicants shall not be considered delay on the part of the city or constitute failure by the city to provide for prompt decisions on applications.

G. The chief of police shall grant or deny the application in accordance with the provisions of this section, and so notify the applicant as follows:
   1. The chief of police shall write or stamp “Granted” or “Denied” on the application and date and sign such notation.
   2. If the application is denied, the chief of police shall attach to the application a statement of the reasons for the denial.
   3. If the application is granted, the chief of police shall attach to the application an adult business license.

H. The chief of police shall grant the application and issue the adult business license upon findings that the proposed business meets, or will meet, all of the development and operational standards and requirements of this chapter, unless the application is denied based upon one or more of the criteria set forth below.

I. If the chief of police grants the application, the applicant may begin operating the adult business for which the license was sought, subject to strict compliance with the development and operational standards and requirements of this chapter. The license holder shall post the license conspicuously in the premises of the adult business.

J. The chief of police shall deny the application if the applicant fails to establish any of the following:
   1. The adult business complies with the city’s zoning requirements as to its underlying zoning designation.
   2. The adult business complies with the development, operational or performance standards found in this chapter.
   3. The license applicant is at least 18 years of age.
   4. The required application fees have been paid.
   5. The application complies with Section 8.60.040 (status of an L.L.C.).
   6. The license applicant complies with Section 8.60.050(A) of this chapter.
K. An applicant, including, if an L.L.C., partnership or corporation, any of the partners, officers, or directors, cannot re-apply for an adult business license for a particular location within one year from the date of prior denial.

L. Any affected person may appeal the decision of the chief of police in writing in accordance with the provisions of Section 8.60.080. (Ord. CS-062 § IV, 2009; Ord. NS-761 § 3, 2005)

8.60.070 Transfer of adult business license.
A. A license holder shall not operate an adult business under the authority of an adult business license at any place other than the address of the adult business stated in the application for the license.

B. In the event of a transfer of ownership of the adult business, the new owner shall be fully informed of the requirements of this chapter, including the operational and development standards herein.

C. In the event of a transfer of the adult business or the adult business license, the transferee must provide the chief of police with the following information within seven days of the transfer:
   1. If the transferee is an individual, the individual shall state his or her legal name, including any aliases, and address, and shall submit satisfactory written proof that he or she is at least 18 years of age.
   2. If the transferee is a partnership, the partners shall state the partnership’s complete name, address, the names of all partners, and whether the partnership is general or limited; and shall attach a copy of the partnership agreement, if any.

D. If the transferee is a corporation or L.L.C., the entity shall provide its complete name, the date of its incorporation or organization, evidence that it is in good standing under the laws of the State of California, the names and capacities of all officers and directors, managers or members asserting supervisory or managerial control over the facility, the name of the registered agent, and the address of the registered office for service of process. (Ord. NS-761 § 3, 2005)

8.60.080 Appeal procedures.
A. The decision of the chief of police shall be appealable to the city manager by the filing of a written appeal with the city clerk within 15 days following the day of mailing of the chief of police’s decision and paying the fee for appeals provided under this code. All such appeals shall be filed with the city clerk and shall be public records. The city manager or a designated hearing officer designated by him or her which can include a retired judge shall, at a duly noticed meeting within 30 days from the date the written appeal was filed, independently review the entire record, including the transcript of the hearing and any oral or written arguments which may be offered to the city manager or designated hearing officer by the appellant and respondent. No additional testimony or other evidence shall be received or considered by the city manager or designated hearing officer. At the conclusion of the review, the city manager or designated hearing officer shall decide to sustain the decision, modify the decision, or order the decision stricken and issue such order as the city manager or designated hearing officer finds is supported by the entire record. The action of the city manager or designated hearing officer shall be final and conclusive, shall be rendered in writing within four working days, and such written decision shall be immediately mailed or delivered to the appellant(s) and there shall be no additional right of appeal.

B. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this division or may request a continuance regarding any decision or consideration by the city of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city or constitute failure by the city to provide for prompt decisions on applications.

C. Failure of the city manager or designated hearing officer to render a decision to grant or deny an appeal of a license denial within the time frames established by this section shall be deemed to constitute an approval of the adult business license.
D. The time for a court challenge to a decision of the city manager or designated hearing officer is governed by California Code of Civil Procedure Section 1094.8.

E. Notice of the city manager or designated hearing officer’s decision and its findings shall include citation to California Code of Civil Procedure Section 1094.8.

F. Any applicant or license holder whose license has been denied pursuant to this section shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure Section 1094.8.

G. The city manager or designated hearing officer’s decision shall be final. Section 1.20.600 of the Municipal Code shall not apply to any decisions made under Section 8.60.080. (Ord. NS-761 § 3, 2005)

8.60.090 Suspension or revocation of adult business license.

A. On determining that grounds for license suspension or revocation exist, the chief of police or designee shall furnish written notice of the proposed suspension or revocation to the license holder. Such notice shall set forth the time and place of a hearing and the ground or grounds upon which the hearing is based, the pertinent municipal code sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the license holder, or shall be delivered to the license holder personally, at least 10 days prior to the hearing date. Hearings pursuant to this section shall be conducted by the city manager or a designated hearing officer designated by him or her which can include a retired judge. Hearings pursuant to this section shall be conducted in accordance with procedures established by the city manager or designated hearing officer but, at a minimum shall include the following:

1. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel.

2. The city manager or designated hearing officer shall not be bound by the formal rules of evidence.

3. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the license holder. Extensions of time or continuances sought by a license holder shall not be considered delay on the part of the city or constitute failure by the city to provide for prompt decisions on license suspensions or revocations.

4. The city manager or designated hearing officer’s decision shall be final. Section 1.20.600 of this code shall not apply to any decisions made under this section.

B. A license may be suspended or revoked based on the following causes arising from the acts or omissions of the license holder, or an employee, independent contractor, partner, director, or manager of the license holder:

1. The building, structure, equipment, or location used by the adult business fails to comply with all provisions of these regulations and this section relating to adult businesses, including the adult business operational standards contained in Section 8.60.030 and the zoning requirements of Chapter 21.43, and all other applicable building, fire, electrical, plumbing, health, and zoning requirements of this code.

2. The license holder has failed to obtain or maintain all required city licenses.

3. The license holder has made any false, misleading, or fraudulent statement of material fact in the application for an adult business license.

4. The license is being used to conduct an activity different from that for which it was issued.

5. That an individual employed by, or performing in, the adult business (whether classified as an employee or independent contractor) has been convicted of two or more sex-related offenses that occurred in or on the licensed premises within a 12-month period and was employed by, or performing in, the adult business at the time the offenses were committed.
6. That the use for which the approval was granted has ceased to exist or has been suspended for six months or more.

7. The license holder has:
   a. Within the past two years, pled guilty or nolo contendere, or been convicted of, or released from confinement of conviction of, whichever is the later date, an offense classified by this or any other state as a sex or sex-related offense, if the conviction is a misdemeanor; or
   b. Within the past five years, pled guilty or nolo contendere, or been convicted of, or released from confinement of conviction of, whichever is the later date, an offense classified by this or any other state as a sex or sex-related offense, if the conviction is a felony; or
   c. Within the past five years, pled guilty or nolo contendere, or been convicted of, or released from confinement of conviction of, whichever is the later date, two or more offenses classified by this or any other state as sex or sex-related offenses if the convictions are two or more misdemeanors or combination of misdemeanor offenses occurring within any 24-month period.

8. That the transferee/new owner of an adult business or adult business license failed to comply with the requirements of this chapter.

9. The license holder, partner, director, or manager has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business; or a licensee has been convicted of violating any of the following state laws on the premises of the adult business:
   a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.
   b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.
   c. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.
   d. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316 and 318 of the California Penal Code.
   e. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to, Sections 311 through 313.4.
   f. Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.
   g. An act or omission in violation of any of the requirements of this chapter if such act or omission is with the knowledge, authorization, or approval of the license holder or is as a result of the license holder’s negligent supervision of the employees or independent contractors of the adult facility. This includes the allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.

C. After holding the hearing in accordance with the provisions of this section, if the city manager or designated hearing officer finds and determines that there are grounds for suspension or revocation, the city manager or designated hearing officer shall impose one of the following:
   1. Suspension of the license for a specified period not to exceed six months; or
   2. Revocation of the license.
The city manager or designated hearing officer shall render a written decision that shall be hand delivered or overnight mailed to the license holder within five days of the public hearing.

D. In the event a license is revoked pursuant to this section, another adult business license to operate an adult business shall not be granted to the licensee within 12 months after the date of such revocation.

E. The time for a court challenge to a decision of the city manager or designated hearing officer is governed by California Code of Civil Procedure Section 1094.8.

F. Notice of the city manager or designated hearing officer’s decision and its findings shall include citation to California Code of Civil Procedure Section 1094.8.

G. Any applicant or license holder whose license has been suspended or revoked pursuant to this section shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure Section 1094.8. (Ord. CS-062 § V, 2009; Ord. NS-761 § 3, 2005)

8.60.100 Employment of and services rendered to persons under the age of 18 years prohibited; 21 if liquor is served.

A. Employees/Independent Contractors. Employees and independent contractors of an adult business must be at least 18 years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a 10% or greater interest, employees, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not at least 18 years of age. If liquor is served at the adult business, employees and independent contractors of the adult business must be at least 21 years of age. If liquor is served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a 10% or greater interest, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not at least 21 years of age. And said persons shall exercise reasonable care in ascertaining the true age of persons seeking to contract with, be employed by, or otherwise service the adult business.

B. Patrons. Patrons of an adult business must be at least 18 years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a 10% or greater interest, employee, independent contractor, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least 18 years of age. If liquor is served at the adult business, patrons must be at least 21 years of age. If liquor is served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a 10% or greater interest, employee, independent contractor, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least 21 years of age. And said persons shall exercise reasonable care in ascertaining the true age of persons entering the adult business.

C. X-rated Movies. The selling, renting and/or displaying of x-rated movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks shall be restricted to persons over 18 years of age. If an establishment that is not otherwise prohibited from providing access to the establishment to persons under 18 years of age sells, rents, or displays movies, videos, DVDs, or laser disks that have been rated “X” or rated “NC-17” by the motion picture rating industry (“MPAA”), or which have not been submitted to the MPAA for a rating, and which consist of images that are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment where these items are not visible to persons under the age of 18 and from which persons under the age of 18 shall be prohibited. (Ord. 761 § 3, 2005)
8.60.110 Regulations non-exclusive.
The provisions of this chapter regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse non-compliance with any other provisions of this code and/or any other regulations pertaining to the operation of businesses as adopted by the city council of the City of Carlsbad. (Ord. NS-761 § 3, 2005)

8.60.120 Violations.
A. Any owner, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including license revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.
B. In addition to the remedies set forth in subsection A of this section, any adult business that is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.
C. The restrictions imposed pursuant to this section constitute a licensing process, and do not constitute a criminal offense. Notwithstanding any other provision of this code, the city does not impose a criminal penalty for violations of the provisions of this ordinance related to sexual conduct or activities. (Ord. NS-761 § 3, 2005)

8.60.130 Public nuisance.
In addition to the penalties set forth in this chapter, any adult business that is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation. (Ord. NS-761 § 3, 2005)

8.60.140 Severability.
If any section, subsection, paragraph, sentence, clause, or phrase of this chapter and the ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The city council hereby declares that it would have adopted this chapter and the ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective. (Ord. NS-761 § 3, 2005)
Chapter 8.70

ADULT BUSINESS PERFORMER LICENSE

Sections:

8.70.010 Purpose.
8.70.020 Adult business performer license.
8.70.030 Investigation and action on application for adult business performer license.
8.70.040 Revocation/suspension/denial of adult business performer license.
8.70.050 Display of license identification cards.
8.70.060 Adult business performer license non-transferable.
8.70.070 Time limit for filing application for license.
8.70.080 Violations.
8.70.090 Regulations non-exclusive.
8.70.100 Severability.

8.70.010 Purpose.
It is the purpose and intent of this chapter to provide for the licensing of adult business performers in order to promote the health, safety, and general welfare of the city. The goals of the performer licensing provisions are (1) to protect minors by requiring that all performers be over the age of 18 years; (2) to assure the correct identification of persons performing in adult businesses; (3) to enable the city to deploy law enforcement resources effectively; and (4) to detect and discourage the involvement of crime in adult businesses by precluding the licensing of performers with certain sex-related convictions in a set time period. It is neither the intent nor the effect of these regulations to invade the privacy of performers or to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult businesses to their intended lawful market. Nothing in these regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any city ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.

The definitions contained in Chapter 8.60 of this code, shall govern for purposes of these regulations. (Ord. NS-761 § 4, 2005)

8.70.020 Adult business performer license.
A. No performer shall be employed, hired, engaged, or otherwise retained in an adult business to participate in or give any live performance displaying “specified anatomical areas” or “specified sexual activities” without first having a valid adult business performer license issued by the city.
B. The chief of police or designee shall grant, deny, and renew adult business performer licenses in accordance with these regulations.
C. License applicants shall file a written, signed, and verified application or renewal application on a form provided by the chief of police. Such application shall contain the following information:
   1. The license applicant’s legal name and any other names (including “stage names” and aliases) used by the applicant;
   2. Principal place of residence;
   3. Age, date and place of birth;
   4. Height, weight, hair and eye color and tattoo descriptions and locations;
5. Each present and/or proposed business address(es) and telephone number(s) of the establishments at which the applicant intends to work;

6. Driver’s license or identification number and state of issuance;

7. Social security number;

8. Satisfactory written proof that the license applicant is a least 18 years of age;

9. The license applicant’s fingerprints on a form provided by the San Diego County Sheriff’s Department and two color two-by-two inch photographs clearly showing the applicant’s face. Any fees for the photographs and fingerprints shall be paid by the applicant. Fingerprints and photograph shall be taken within six months of the date of application;

10. Whether the license applicant has pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor; or (b) less than five years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of conviction, whichever is the later date, if the conviction is a felony; or (c) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two or more misdemeanors or combination of misdemeanor offenses occurring within any 24-month period;

11. If the application is made for the purpose of renewing a license, the license applicant shall attach a copy of the license to be renewed.

D. The information provided in subsection C of this section which is personal, private, confidential or the disclosure of which could expose the applicant to the risk of harm will not be disclosed under the California Public Records Act. Such information includes, but is not limited to, the applicant’s residence address, telephone number, date of birth and age, driver’s license and social security number. The city council in adopting the application and licensing and/or permit system set forth herein has determined in accordance with Government Code Section 6255 that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this chapter by ensuring that the applicant’s privacy, confidentiality or security interest are protected. The city clerk shall cause the same to be redacted from any copy of a completed application form made available to any member of the public, the above mentioned information.

E. The completed application shall be accompanied by a non-refundable application fee and an annual license fee. The amount of such fees shall be as set forth in the schedule of fees established by resolution from time to time by the city council.

F. The completeness of an application shall be determined within two working days by the chief of police. The chief of police must be available during normal working hours Monday through Friday to accept adult business performer applications. If the chief of police determines that the application is incomplete, the chief of police shall immediately inform the applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Upon receipt of a completed adult business performer application and payment of the license fee specified in subsection E of this section, the chief of police shall immediately issue a temporary license which shall expire of its own accord 10 business days from the date of issuance and shall only be extended as provided in Section 8.70.030.

G. This temporary adult business performer license shall authorize a performer to commence performance at an adult business establishment that possesses a valid adult business license authorized to provide live entertainment.

H. The fact that a license applicant possesses other types of state or city permits or licenses does not exempt the license applicant from the requirement of obtaining an adult business performer license. (Ord. NS-761 § 4, 2005)
Investigation and action on application for adult business performer license.

A. Upon submission of a completed application, payment of license fees, and issuance of a temporary adult business performer license pursuant to Section 8.70.010, the chief of police shall immediately stamp the application “Received” and in conjunction with city staff, including members of the police department, shall promptly investigate the information contained in the application to determine whether the license applicant should be issued an adult business performer license.

B. Investigation shall not be grounds for the city to unilaterally delay in reviewing a completed application. The chief of police’s decision to grant or deny the adult business performer license shall be made within 10 business days from the date the temporary license was issued. In the event the chief of police is unable to complete the investigation within 10 business days, the chief shall promptly notify the license applicant and extend the temporary license for up to 10 additional business days. In no case shall the investigation exceed 20 days, nor shall the decision to grant or deny the license application be made after the expiration of the temporary license.

C. The chief of police shall render a written decision to grant or deny the license within the time period set forth in subsection B of this section. Said decision shall be mailed first class postage prepaid or hand delivered to the applicant, within the foregoing 10-day period (or 20-day period if extended pursuant to subsection B of this section) at the address provided by the applicant in the application.

D. The chief of police shall notify the applicant as follows:

1. The chief of police shall write or stamp “Granted” or “Denied” on the application and date and sign such notation.

2. If the application is denied, the chief of police shall attach to the application a statement of the reasons for the denial. Such notice shall also provide that the license applicant may appeal the denial to the city manager. The city manager or a designated hearing officer shall conduct a hearing as described in Section 8.70.040.

3. If the application is granted, the chief of police shall attach to the application an adult business performer license.

4. The application, as acted upon, and the license, if any, shall be placed in the United States mail, first class postage prepaid, or hand delivered, addressed to the license applicant at the residence address stated in the application in accordance with the time frames established herein.

E. The chief of police shall grant the application and issue the license unless the application is denied based on one of the grounds set forth in subsection F of this section.

F. The chief of police shall deny the application based on any of the following grounds:

1. The license applicant has made false, misleading, or fraudulent statement of material fact in the application for an adult business performer license.

2. The license applicant is under 18 years of age.

3. The adult business performer license is to be used for performing in a business prohibited by laws of the state or city or a business that does not have a valid adult business license.

4. The license applicant has pled guilty, nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor, or (b) less than five years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a felony; or (c) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two or more misdemeanors or combination of misdemeanor offenses occurring within any 24-month period.
G. Failure of the chief of police to render a decision on the license within the timeframes established by this section shall be deemed to constitute an approval.

H. Each adult business performer license, other than the temporary license described in Section 8.70.020(F), shall expire one year from the date of issuance and may be renewed only by filing with the chief of police a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed. If said application conforms to the previously approved application and there has been no change with respect to the license holder being convicted of any crime classified by this or any other state as a sex-related offense, the finance officer or designee shall renew the license for one year. Any plea to or conviction of a sex-related offense requires the renewal application to be set for hearing before the chief of police in accordance with the provisions of this section. The request for renewal shall be made at least 30 days before the expiration date of the license. Applications for renewal shall be acted upon as provided herein for action upon applications for license. The chief of police’s denial of a renewal application is subject to the hearing provisions of Section 8.70.040. (Ord. NS-761 § 4, 2005)

8.70.040 Revocation/suspension/denial of adult business performer license.

A. On determining that grounds for denial of a license, license revocation or suspension exist, the chief of police or designee shall furnish written notice of the proposed action to the applicant/license holder. Such notice shall set forth the time and place of a hearing before the city manager or a designated hearing officer and the ground or grounds upon which the hearing is based, the pertinent code sections and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the applicant/license holder, or shall be delivered to the license holder personally, at least 10 days prior to the hearing date.

B. On determining that grounds for denial of a license exist, the chief of police shall furnish written notice of the proposed action to the applicant/license holder. The decision of the chief of police shall be appealable to the city manager by filing a written request for a hearing with the city clerk within 15 days following the day of mailing of the chief of police’s decision and paying the fee for appeals provided under this code. All such appeals shall be filed with the city clerk and shall be public records. The city manager shall issue a notice which shall set forth the time and place of a hearing before the city manager or a designated hearing officer which is within 30 days from the date the appeal was filed and the ground or grounds upon which the hearing is based, the pertinent code sections and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the applicant/license holder, or shall be delivered to the license holder personally, at least 10 days prior to the hearing date.

C. The applicant shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The city manager or designated hearing officer shall not be bound by the formal rules of evidence. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee/appellant shall not be considered delay on the part of the city or constitute failure by the city to provide for prompt decisions on license suspensions or revocations.

D. A license may be revoked, based on any of the following causes arising from the acts or omissions of the license holder:

1. The licensee has made any false, misleading, or fraudulent statement of material fact in the application for a performer license.

2. The licensee has pled guilty, nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor, or (b) less than five years have elapsed since the date of conviction or the date of release from confinement of conviction to the
date of application, whichever is the later date, if the conviction is a felony; or (c) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two or more misdemeanors or combination of misdemeanor offenses occurring within any 24-month period.

3. Failure to comply with the operating standards of Chapter 8.60 or the requirements of this chapter.

E. After holding the hearing in accordance with the provisions of this section, if the city manager or designated hearing officer finds and determines that there are grounds for revocation or suspension, the city manager or designated hearing officer shall revoke or suspend the license. After holding the hearing in accordance with the provisions of this section on the denial of a license, the city manager or designated hearing officer shall decide to sustain the decision, modify the decision or order the decision stricken and issue such order as the city manager or designated hearing officer finds is supported by the entire record. The city manager or designated hearing officer shall render a written decision that shall be hand delivered or overnight mailed to the applicant/license holder within four working days of the hearing. The city manager or designated hearing officer’s failure to render such a decision within this time frame shall constitute an approval or reinstatement of the license.

F. In the event a license is revoked pursuant to this section, another adult business performer license shall not be granted to the licensee within 12 months after the date of such revocation.

G. The decision of the city manager or designated hearing officer shall be final. Section 1.20.600 of this code shall not apply to any decisions made under Section 8.70.040.

H. The time for a court challenge to a decision of the city manager or designated hearing officer is governed by California Code of Civil Procedure Section 1094.8.

I. Notice of the city manager’s or designated hearing officer’s decision and findings shall include citation to California Code of Civil Procedure Section 1094.8.

J. Any applicant or license holder whose license has been denied, suspended, or revoked, pursuant to this section shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure Section 1094.8. (Ord. NS-761 § 4, 2005)

8.70.050 Display of license identification cards.
The chief of police shall provide each adult business performer required to have a license pursuant to this chapter with an identification card containing the name, address, photograph, and license number of such performer. Every performer shall have such card available for inspection at all times during which the performer is on the premises of the adult business at which he or she performs. (Ord. NS-761 § 4, 2005)

8.70.060 Adult business performer license non-transferable.
No adult business performer license may be sold, transferred, or assigned by any licensee or by operation of law, to any other person, group, partnership, corporation, or any other entity. Any such sale, transfer, or assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of the adult business performer license, and the license thereafter shall be null and void. (Ord. NS-761 § 4, 2005)

8.70.070 Time limit for filing application for license.
All persons required by this chapter to obtain an adult business performer license must apply for and obtain such adult business performer license within 14 days of the effective date of this section. Failure to do so and continued performance that displays “specified anatomical areas” or “specified sexual activities” in an adult business after such time without a permit or license shall constitute a violation of this section. (Ord. NS-761 § 4, 2005)
8.70.080 Violations.
A. Any licensee violating or causing the violation of any of these provisions regulating adult business performer licenses shall be subject to license revocation/suspension pursuant to Section 8.70.040 of this chapter, a fine of not more than $1,000.00 pursuant to Government Code Sections 36900 and 36901, and any and all other civil remedies. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

B. In addition to the remedies set forth in subsection A of this section, any violation of any of these provisions regulating adult business performer licenses is hereby declared to constitute a public nuisance and may be abated or enjoined.

C. The restrictions imposed pursuant to this section are part of a regulatory licensing process, and do not constitute a criminal offense. Notwithstanding any other provision of this code, the city does not impose a criminal penalty for violations of the provisions of this ordinance related to sexual conduct or activities. (Ord. NS-761 § 4, 2005)

8.70.090 Regulations non-exclusive.
The provisions of this chapter regulating adult business performer licenses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the licensing provisions as adopted by the city council of the City of Carlsbad. (Ord. NS-761 § 4, 2005)

8.70.100 Severability.
If any section, subsection, paragraph, sentence, clause, or phrase of this chapter and the ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The city council hereby declares that it would have adopted this chapter and the ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective. (Ord. NS-761 § 4, 2005)
Chapter 8.80
MINI-SATELLITE WAGERING

Sections:
8.80.010 Purpose.
8.80.020 Definitions.
8.80.030 Prohibition.

8.80.010 Purpose.
It is the purpose of this chapter to protect public health, safety and welfare by broadly prohibiting mini-satellite wagering within the city. (Ord. CS-252 § 2, 2014)

8.80.020 Definitions.
“Mini-satellite wagering site” means any facility used for mini-satellite wagering as defined by California Business and Professions Code Section 19410.7. (Ord. CS-252 § 3, 2014)

8.80.030 Prohibition.
Mini-satellite wagering sites shall be prohibited within the City of Carlsbad. (Ord. CS-252 § 4, 2014)
Title 9

(RESERVED)
Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 Definitions
10.08 Traffic Administration
10.12 Traffic Regulations—Enforcement and Obedience
10.16 Traffic-Control Devices
10.20 Turning Movements
10.24 One-Way Streets and Alleys
10.28 Special Stops
10.32 Miscellaneous Driving Rules
10.33 Oversize Vehicle or Load Permit
10.34 Interstate Trucks
10.36 Pedestrians
10.40 Stopping, Standing and Parking
10.42 Parking Violation Enforcement
10.44 Speed Restrictions
10.48 Trains
10.52 Abandoned Vehicles
10.56 Bicycles
10.58 Skateboarding, Inline Skates, Roller Skates, Toy Vehicle, Coaster, and Similar Forms of Transportation
Chapter 10.04

DEFINITIONS

Sections:

10.04.010 Generally.
10.04.020 Highway.
10.04.030 Loading zone.
10.04.040 Official time standard.
10.04.050 Official traffic-control devices.
10.04.060 Official traffic signal.
10.04.070 Park.
10.04.080 Parkway.
10.04.090 Passenger loading zone.
10.04.100 Pedestrian.
10.04.110 Police officer.
10.04.120 Stop.
10.04.130 Stop or stand.
10.04.140 Traffic.
10.04.150 Vehicle.

10.04.010 Generally.
A. The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them by this section.

B. Whenever any words or phrases used in this chapter are not defined herein, but are now defined in the vehicle code of the state, such definitions are incorporated in this chapter and shall be deemed to apply to such words and phrases used as though set forth herein in full. (Ord. 3005)

10.04.020 Highway.
"Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street. (Ord. 5042 § 1(b), 1968)

10.04.030 Loading zone.
"Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 3005)

10.04.040 Official time standard.
Whenever certain hours are named in this title, they shall mean standard time or daylight saving time as may be in current use in the city. (Ord. 3005)

10.04.050 Official traffic-control devices.
"Official traffic-control devices" mean all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (Ord. 3005)

10.04.060 Official traffic signal.
"Official traffic signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction. (Ord. 3005)
10.04.070  Park.
“Park” means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for
the purpose of and while actually engaged in loading or unloading of passengers or materials. (Ord. 3005)

10.04.080  Parkway.
“Parkway” means that portion of a street other than a roadway or a sidewalk. (Ord. 3005)

10.04.090  Passenger loading zone.
“Passenger loading zone” means the space adjacent to a curb reserved for the exclusive use of vehicles
during the loading or unloading of passengers. (Ord. 3005)

10.04.100  Pedestrian.
“Pedestrian” means any person afoot. (Ord. 3005)

10.04.110  Police officer.
“Police officer” means every officer of the police department of the city. (Ord. 3005)

10.04.120  Stop.
“Stop,” when required, means complete cessation of movement. (Ord. 3005)

10.04.130  Stop or stand.
“Stop or stand,” when prohibited, means any stopping or standing of a vehicle, whether occupied or not, ex-
cept when necessary to avoid conflict with other traffic or in compliance with the directions of a police
officer or official traffic-control device. (Ord. 3005)

10.04.140  Traffic.
“Traffic” means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either
singly or together while using any street for purposes of travel. (Ord. 3005)

10.04.150  Vehicle.
“Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a high-
way, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 5042 § 2(a), 1968)
Chapter 10.08

TRAFFIC ADMINISTRATION

Sections:

10.08.010 Police administration. There is established in the police department of the city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police. (Ord. 3005 § 15)

10.08.020 Duty of traffic division. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations in the city, and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this chapter and the traffic ordinances of the city. (Ord. 3005 § 16)

10.08.030 Traffic accident studies. Whenever accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (Ord. 3005 § 17)

10.08.040 Traffic accident reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer. (Ord. 3005 § 18)

10.08.050 Traffic division to submit annual traffic safety reports. The traffic division shall annually prepare a traffic report which shall be filed with the city council. Such a report shall contain information on traffic matters in the city as follows:

A. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data;
B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
C. The plans and recommendations of the division for future traffic safety activities. (Ord. 3005 § 19)

10.08.060 City traffic engineer—Office established—Powers and duties generally. The office of city traffic engineer is established. The transportation director shall serve as city traffic engineer in addition to his or her other functions and shall exercise the powers and duties with respect to traffic as provided in this chapter. (Ord. CS-164 § 2, 2011; Ord. 3087, 1971; Ord. 3005 § 20)
10.08.070  Additional powers and duties of traffic engineer.

It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of the city. (Ord. 3005 § 21)
Chapter 10.12

TRAFFIC REGULATIONS—ENFORCEMENT AND OBEDIENCE

Sections:
10.12.010 Authority of police and firefighters.
10.12.030 Obedience to police and firefighters.
10.12.040 Persons other than officials not to direct traffic.
10.12.050 Public employees to obey traffic regulations.
10.12.060 Exemptions to certain vehicles.

10.12.010 Authority of police and firefighters.
A. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
B. Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
C. Firefighters, when at the scene of an emergency, while engaged in outside training activities, or to facilitate the safe movement of apparatus; may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Ord. 2028 § 1(0), 1969; Ord. 3005 § 22)

10.12.030 Obedience to police and firefighters.
No person shall wilfully fail or refuse to comply with any lawful order of a police officer or fire department official when directing traffic. (Ord. 3005 § 24)

10.12.040 Persons other than officials not to direct traffic.
No person other than an officer of the police department or a person deputized by the chief of police or person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate when and as provided in this title, any mechanical push-button signal erected by order of the city traffic engineer. (Ord. 3005 § 25)

10.12.050 Public employees to obey traffic regulations.
The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, any county or city and it is unlawful for any such driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by state statute. (Ord. 3005 § 26)

10.12.060 Exemptions to certain vehicles.
A. The provisions of this chapter regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the police department or fire department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified in the state Vehicle Code in response to an emergency call.
B. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his or her wilful disregard of the safety of others.
C. The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail. (Ord. 3005 § 27)

Pursuant to California Vehicle Code Section 21107.6, the provisions of Division 11 of the Vehicle Code entitled "Rules of the Road" shall apply to the following privately owned and maintained roads:
All those privately owned and maintained roads within the Poinsettia Village shopping center generally located at the southeast intersection of Avenida Encinas and Poinsettia Road. (Ord. NS-544 § 1, 2000)
Chapter 10.16

TRAFFIC-CONTROL DEVICES

Sections:
10.16.010 Authority to install.
10.16.020 Enforcement.
10.16.030 Obedience to traffic-control devices.
10.16.040 Installation of traffic signals.
10.16.050 Lane markings.
10.16.060 Distinctive roadway markings.
10.16.080 Hours of operation.

10.16.010 Authority to install.
A. The city traffic engineer shall have the exclusive power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required under the traffic ordinances of the city to make effective the provisions of such ordinances.
B. Whenever the Vehicle Code of the state requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law the city traffic engineer is authorized to install the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.
C. The city traffic engineer may also place and maintain such additional traffic-control devices as the traffic engineer may deem necessary to regulate traffic or to guide or warn traffic, but he or she shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in the traffic ordinances of the city or as may be determined by ordinance or resolution of the city council. (Ord. 3005 § 29)

10.16.020 Enforcement.
No provision of the state Vehicle Code or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws. (Ord. 3005 § 30)

10.16.030 Obedience to traffic-control devices.
The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances of the city unless otherwise directed by a police officer subject to the exemptions granted the driver of an authorized emergency vehicle when responding to emergency calls. (Ord. 3005 § 31)

10.16.040 Installation of traffic signals.
A. The city traffic engineer is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.
B. The city traffic engineer shall ascertain and determine the locations where such signals are required by resort to field observation, traffic counts and other traffic information as may be pertinent and his or her determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the division of highways of the state department of public works.
C. Whenever the city traffic engineer installs and maintains an official traffic signal at any intersection, the traffic engineer shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any intersection. (Ord. 3005 § 32)

10.16.050 Lane markings.
The city traffic engineer is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway. (Ord. 3005 § 33)

10.16.060 Distinctive roadway markings.
Whenever the state department of public works determines by resolution and designates a distinctive roadway marking which shall indicate no driving over such marking, the city traffic engineer is authorized to designate by such marking those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the state department of public works pursuant to provisions of the state Vehicle Code. (Ord. 3005 § 34)

The city traffic engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by state law or this chapter whenever the traffic engineer shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain. (Ord. 3005 § 35)

10.16.080 Hours of operation.
The city traffic engineer shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this chapter. (Ord. 3005 § 36)
Chapter 10.20

TURNING MOVEMENTS

Sections:
10.20.010  Authority to place—Obedience.
10.20.020  Authority to place restricted turn signs.
10.20.030  Obedience to no-turn signs.
10.20.040  Authority to prohibit right turns against traffic stop signal—Obedience.

10.20.010  Authority to place—Obedience.
The city traffic engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the city traffic engineer is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Ord. 3005 § 37)

10.20.020  Authority to place restricted turn signs.
The city traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. (Ord. 3005 § 38)

10.20.030  Obedience to no-turn signs.
Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 3005 § 39)

10.20.040  Authority to prohibit right turns against traffic stop signal—Obedience.
The city traffic engineer is authorized to determine those intersections within any business or residence district at which drivers of vehicles shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign. (Ord. 3005 § 40)
Chapter 10.24

ONE-WAY STREETS AND ALLEYS

Sections:

10.24.010 Erection and contents of signs.
Whenever any ordinance or resolution of the city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 3005 § 41)

10.24.020 Alley from Carlsbad Village Drive to Grand Avenue.
In accordance with Section 10.24.010, and when properly sign posted, all traffic shall proceed only in a northerly direction on the alley extending from Carlsbad Village Drive to Grand Avenue between State Street and the Santa Fe right-of-way. (Ord. NS-534 § 3, 2000; Ord. 3008 § 1)

10.24.021 Washington Street.
In accordance with Section 10.24.010, and when proper signs are in place, all traffic shall proceed only in a northerly direction on Washington Street from Grand Avenue to its intersection with Beech Avenue. (Ord. NS-395 § 1, 1997)
Chapter 10.28

SPECIAL STOPS

Sections:

Article I. General Regulations

10.28.010 Erection and location of stop signs.
10.28.020 Where stops required.
10.28.030 Emerging from alley, driveway or building.
10.28.040 Compliance with signals of properly appointed persons wearing insignia.
10.28.050 Stopping in school pedestrian lanes.

Article II. Streets Designated

10.28.060 Streets—Generally.
10.28.070 Carlsbad Boulevard.
10.28.080 Grand Avenue.
10.28.090 Tamarack Avenue.
10.28.100 Highland Drive.
10.28.110 Jefferson Street.
10.28.120 Chestnut Avenue.
10.28.130 Magnolia Avenue.
10.28.140 El Camino Real.
10.28.150 Monroe Street.
10.28.151 Lancer Way/Monroe Street.
10.28.153 Ocean Street.
10.28.160 State Street.
10.28.170 Basswood Avenue.
10.28.180 Chinquapin Avenue.
10.28.190 Laguna Drive.
10.28.200 Adams Street.
10.28.210 Elmwood Street.
10.28.220 Carlsbad Village Drive.
10.28.230 Pio Pico Drive.
10.28.240 Corintia Street.
10.28.250 Pine Avenue.
10.28.260 Monroe Street.
10.28.270 Roosevelt Street.
10.28.280 Valley Street.
10.28.290 Forest Avenue.
10.28.295 Cannon Road.
10.28.300 Buena Vista Way.
10.28.310 Ridgecrest Court.
10.28.320 Alga Road.
10.28.321 Poinsettia Lane.
10.28.322 Corintia Street.
10.28.323 Paseo del Norte.
10.28.324 El Fuerte Street.
10.28.325 Batiquitos Drive.
10.28.326 La Portalada Drive.
10.28.330 Skyline Drive.
10.28.340 El Fuerte Street.
10.28.350 Westhaven Drive.
10.28.360 Alicante Road.
10.28.370 Romeria Street.
10.28.380 Corintia Street.
10.28.390 Nueva Castilla Way.
10.28.400 Pontiac Drive.
10.28.410 Spokane Way.
10.28.420 Victoria Avenue.
10.28.430 Forest View Way.
10.28.440 Plum Tree Road.
10.28.450 Alderwood Drive.
10.28.460 Levante Street.
10.28.470 Paseo Escuela.
10.28.480 Avenida de Louisa.
10.28.490 Via Naranja.
10.28.500 Calle Susana.
10.28.510 Via Esparta.
10.28.520 Via Vera.
10.28.530 Segovia Way.
10.28.540 Torrejon Place (east).
10.28.541 Torrejon Place (west).
10.28.550 Escenico Terrace.
10.28.560 Hidden Valley Road.
10.28.570 Paseo Aliso.
10.28.580 Reserved.
10.28.590 Sunnyhill Drive.
10.28.600 Alder Avenue.
10.28.630 Levee Drive.
10.28.640 Knollwood Drive.
10.28.650 Strata Drive.
10.28.660 Calle Cordoba.
10.28.670 Calle Acervo.
10.28.680 Paseo Aliso.
10.28.690 Camino Robledo.
10.28.700 Marlin Lane.
10.28.710 Portage Way.
10.28.720 Avenida Encinas.
10.28.730 Cypress Avenue.
10.28.740 Paseo Almendro.
10.28.750 Camino Serbal.
10.28.760 Garboso Street.
10.28.770 Rancho Cortes.
10.28.780 Carrillo Way.
10.28.790 Lemon Leaf Drive.
10.28.800 Lonicera Street.
10.28.810 Madison Street.
10.28.820 Lighthouse Road.
10.28.830 Wintergreen Drive.
10.28.840 Grove Avenue.
10.28.850 Lynch Court.
10.28.860 Mimosa Drive.
10.28.870 Palomar Oaks Way.
10.28.880 Unicornio Street.
Article I. General Regulations

10.28.010 Erection and location of stop signs.
Whenever any ordinance or resolution of the city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city traffic engineer shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade
crossing so designated. Every such sign shall conform with and shall be placed as provided in Sections 21352 to 21355 of the Vehicle Code of the state. (Ord. 3005 § 42)

10.28.020 Where stops required.
A. Those streets and parts of streets described in Article II of this chapter, are declared to be through streets for the purposes of this section.
B. The provisions of this section shall also apply at one or more entrances to the intersections as such entrances and intersections are described in Sections 10.28.060 through 10.28.280. (Ord. 3005 § 43)

10.28.030 Emerging from alley, driveway or building.
The driver of a vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway. (Ord. 3005 § 44)

10.28.040 Compliance with signals of properly appointed persons wearing insignia.
It is unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any person appointed by the chief of police to control traffic at school crossings; provided, that such person giving any order, signal or direction at such crossings shall at the time be wearing some insignia, indicating such appointment. It is unlawful for any minor to direct or attempt to direct traffic unless authorized to do so by order of the chief of police. (Ord. 3031 § 1)

10.28.050 Stopping in school pedestrian lanes.
It is unlawful for any person driving or operating, propelling or causing to be propelled, any vehicle, to fail to stop not less than 50 feet from the nearest side of a school pedestrian lane where any signal device, flagger or other person is stationed, giving warning that children are about to cross or are crossing the street; and it is further declared unlawful to proceed until such signal has stopped, raised, or been removed, or the flagger or person stationed at such pedestrian lane has given a signal to go, or has left the locality. (Ord. 3031 § 2)

Article II. Streets Designated

10.28.060 Streets—Generally.
In accordance with the provisions of Section 10.28.020 and when signs are erected giving notice thereof, drivers of vehicles shall stop at the intersections designated in this article. (Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.070 Carlsbad Boulevard.
Drivers shall stop where the following described streets intersect Carlsbad Boulevard:

Acacia Avenue
Beech Avenue
Carlsbad Village Drive
Cedar Avenue
Cerezo Drive
Cherry Avenue
Chestnut Avenue
Cypress Avenue
Grand Avenue
Hemlock Avenue
Juniper Avenue
Lincoln Street
Manzano Drive
Maple Avenue
Mountain View Drive
Ocean Street
Pine Avenue
Redwood Avenue
Sequoia Avenue
Shore Drive
Sycamore Avenue
Tamarack Avenue
Terramar Drive
Tierra del Oro Street
Walnut Avenue

(Ord. NS-534 § 4, 2000; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord.
3042 §§ 1, 2)

10.28.080  **Grand Avenue.**  
Drivers shall stop when the following described streets intersect Grand Avenue:

Carlsbad Boulevard
Harding Street:
  1. Where the alley between State Street and Roosevelt Street intersects Grand Avenue and Carlsbad Village Drive;
  2. Where the alley between the railroad track and State Street intersects Grand Avenue and Carlsbad Village Drive;
  3. Where the alley between Harding Street and the 101 Freeway intersects Grand Avenue and Carlsbad Village Drive;

Hope Street
Jefferson Street
Madison Street
Roosevelt Street
State Street
Washington Street

(Ord. NS-534 § 5, 2000; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord.
3042 §§ 1, 2)

10.28.090  **Tamarack Avenue.**  
Drivers shall stop where the following described streets intersect Tamarack Avenue:

Adams Street
Garfield Street
10.28.100

Jefferson Street
Pio Pico Street
Palisades Drive
Skyline Drive
Levee Drive
Knollwood Drive
Strata Drive (east)
(Ord. NS-633 § 1, 2002; Ord. 3179 § 1, 1984; Ord. 3177 § 1, 1984; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.100 Highland Drive.
Drivers shall stop where the following described streets intersect Highland Drive:
Adams Street
Arland Road
Basswood Avenue
Buena Vista Way
Carlsbad Village Drive
Chestnut Avenue
Chinquapin Avenue
Elmwood Street
Forest Avenue
Hillside Drive
Magnolia Avenue
Oak Avenue
Pine Avenue
Tamarack Avenue
(Ord. CS-180 § 1, 2012; Ord. NS-534 § 6, 2000; Ord. 3136 § 1, 1981; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.110 Jefferson Street.
Drivers shall stop where the following described streets intersect Jefferson Street:
Arbuckle Place
Buena Vista Avenue
Home Avenue
Knowles Avenue
Laguna Drive
Las Flores Drive
Magnolia Avenue
(Ord. 3129 § 1, 1981; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)
10.28.120 Chestnut Avenue.
Drivers shall stop where the following described streets intersect Chestnut Avenue:
Adams Street
Ames Place
Donna Drive
Eureka Street
Highland Drive
Monroe Street
Pio Pico Drive
Pontiac Drive
Sierra Morena Avenue
Valley Street
West Haven Drive
(Ord. CS-238 § 1, 2014; Ord. CS-083 § 6, 2010; Ord. CS-082 § 1, 2010; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.130 Magnolia Avenue.
Drivers shall stop where the following described streets intersect Magnolia Avenue:
Adams Street
Grecourt Way
Northwest corner of Madison Street
Valley Street
(Ord. CS-202 § 1, 2013; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.140 El Camino Real.
Drivers shall stop where the following described street intersects El Camino Real:
Chestnut Avenue
(Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.150 Monroe Street.
Drivers shall stop where the following described streets intersect Monroe Street:
Magnolia Avenue
Park Drive
(Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.151 Lancer Way/Monroe Street.
Drivers shall stop where the following described street intersects with Lancer Way/Monroe Street:
Gayle Way
(Ord. CS-141 § 1, 2011)

10.28.153 Ocean Street.
Drivers shall stop where the following described streets intersect Ocean Street:
10.28.160

Cypress Avenue
Grand Avenue
(Ord. NS-714 § 2, 2004; Ord. 3125 § 1, 1981)

10.28.160  State Street.
Drivers shall stop where the following described street intersects State Street:
Laguna Drive
(Ord. 3094, 1972; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3056 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.170  Basswood Avenue.
Drivers shall stop where the following described streets intersect Basswood Avenue:
Adams Street
Belle Lane
Donna Drive
Eureka Street
Valley Street
(Ord. CS-083 § 1, 2010; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.180  Chinquapin Avenue.
Drivers shall stop where the following described street intersects Chinquapin Avenue:
Adams Street
(Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.190  Laguna Drive.
Drivers shall stop where the following described streets intersect Laguna Drive:
Buena Vista Circle
Davis Avenue
Madison Street
Roosevelt Street
(Ord. CS-222 § 1, 2013; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.200  Adams Street.
Drivers shall stop where the following described streets intersect Adams Street:
Magnolia Avenue
Highland Drive
(Ord. CS-202 § 2, 2013; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.210  Elmwood Street.
Drivers shall stop where the following described street intersects Elmwood Street:
Northbound traffic on Highland Drive
10.28.220 Carlsbad Village Drive.  
Drivers shall stop where the following described streets intersect Carlsbad Village Drive:
- Carlsbad Boulevard
- Harding Street
- Jefferson Street
- Madison Street
- Roosevelt Street
- State Street
- Washington Street

10.28.230 Pio Pico Drive.  
Drivers shall stop where the following described streets intersect Pio Pico Drive:
- Buena Vista Avenue
- Chestnut Avenue
- Knowles Avenue
- Laguna Drive
- Magnolia Avenue
- Oak Avenue
- Palm Avenue
- Pine Avenue
- Stratford Lane
- Las Flores Drive

10.28.240 Corintia Street.  
Drivers shall stop where the following described streets intersect Corintia Street:
- Luciernaga Street
- Cazadero Street
- Llama Street

10.28.250 Pine Avenue.  
Drivers shall stop where the following described street intersects Pine Avenue:
- Basswood Avenue
10.28.260 **Monroe Street.**
Drivers shall stop where the following described streets intersect Monroe Street:
Alder Avenue
Basswood Avenue
Gayle Avenue
Sunnyhill Drive
(Ord. CS-083 § 6, 2010; Ord. NS-609 § 1, 2001; Ord. NS-534 § 8, 2000; Ord. 3149 § 1, 1982; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.270 **Roosevelt Street.**
Drivers shall stop where the following described streets intersect Roosevelt Street:
Beech Avenue
Grand Avenue
Laguna Drive
(Ord. CS-222 § 2, 2013; Ord. 3130 § 1, 1981; Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.280 **Valley Street.**
Drivers shall stop where the following described street intersects Valley Street:
Oak Avenue
(Ord. 3063 § 5; Ord. 3061 § 1; Ord. 3057 § 1; Ord. 3050 § 3; Ord. 3045 § 1; Ord. 3042 §§ 1, 2)

10.28.290 **Forest Avenue.**
Drivers shall stop where the following described street intersects Forest Avenue:
Highland Drive
(Ord. 3136 § 2, 1981)

10.28.295 **Cannon Road.**
Drivers shall stop where the following described street intersects Cannon Road:
Avenida Encinas
(Ord. 3137 § 1, 1981)

10.28.300 **Buena Vista Way.**
Drivers shall stop where the following described streets intersect Buena Vista Way:
Arland Road
Highland Drive
(Ord. CS-223, 2013; Ord. 3138 § 1, 1981)

10.28.310 **Ridgecrest Court.**
Drivers shall stop where the following described street intersects Ridgecrest Court:
Seacrest Drive
(Ord. 3141 § 1, 1981)
10.28.320  Alga Road.
Drivers shall stop where the following described streets intersect Alga Road:
Almaden Lane
Cazadero Drive
Corintia Street
El Fuerte Street
Estrella De Mar Road
Manzanita Street
Santa Isabel Street
Xana Way
(Ord. 3184 § 1, 1985; Ord. 3159 § 1, 1983)

10.28.321  Poinsettia Lane.
Drivers shall stop where the following described streets intersect Poinsettia Lane:
Paseo Del Norte
Batiquitos Drive
(Ord. 3186 § 1, 1985; Ord. 3165 § 1, 1984)

10.28.322  Corintia Street.
Drivers shall stop where the following described street intersects Corintia Street:
Unicornio Street
(Ord. 3168 § 1, 1984)

10.28.323  Paseo del Norte.
Drivers shall stop at the all-way stop-controlled intersection where the following described street intersects
Paseo del Norte:
Unnamed private street located 1,950 feet south of Cannon Road in Car Country Carlsbad
(Ord. CS-239 § 1, 2014; Ord. NS-728 § 1, 2004; Ord. 3186 § 2, 1985)

10.28.324  El Fuerte Street.
Drivers shall stop where the following described street intersects El Fuerte Street:
Unicornio Street
(Ord. 3187 § 1, 1985; Ord. 3178 § 1, 1984)

10.28.325  Batiquitos Drive.
Drivers shall stop where the following described street intersects Batiquitos Drive:
Poinsettia Lane
(Ord. 3186 § 3, 1985)

10.28.326  La Portalada Drive.
Drivers shall stop where the following described street intersects La Portalada Drive:
Milano Court
(Ord. 3189 § 1, 1985)
10.28.330  Skyline Drive.
Drivers shall stop where the following described street intersects Skyline Drive:
Tamarack Avenue
(Ord. 3179 § 2, 1984)

10.28.340  El Fuerte Street.
Drivers shall stop where the following described streets intersect El Fuerte Street:
Alga Road
Santa Isabel Street
Babilonia Street
Corintia Street
Luciernaga Street
Bolero Street
Acuna Court
Marmol Court
(Ord. 3200 § 1, 1986; Ord. 3183 § 1, 1985)

10.28.350  Westhaven Drive.
Drivers shall stop where the following described street intersects Westhaven Drive:
Skyline Road
(Ord. 3194 § 1, 1985)

10.28.360  Alicante Road.
Drivers shall stop where the following described streets intersect Alicante Road:
Alga Road
Altisma Way
Pomplona Way
Zamora Way
Altiva Place
Corte De La Vista
(Ord. 3199 § 1, 1986)

10.28.370  Romeria Street.
Drivers shall stop where the following described streets intersect Romeria Street:
Levante Street
Cadencia Street
(Ord. NS-742 § 1, 2005; Ord. 3202 § 1, 1986)

10.28.380  Corintia Street.
Drivers shall stop where the following described street intersects Corintia Street:
El Fuerte Street
(Ord. 3205 § 1, 1986)
10.28.390  **Nueva Castilla Way.**
Drivers shall stop where the following described street intersects Nueva Castilla Way:
Levante Street
(Ord. 3206 § 1, 1986)

10.28.400  **Pontiac Drive.**
Drivers shall stop where the following described streets intersect Pontiac Drive:
Olympic Drive
Spokane Way
Chestnut Avenue
Athens Avenue
York Road
Victoria Avenue
Avalon Avenue
Sausalito Avenue
Tiburon Avenue
Brighton Road
Mayfair Court
Southampton Road
Coventry Road
Regent Road
(Ord. 3225 § 1, 1988)

10.28.410  **Spokane Way.**
Drivers shall stop where the following described street intersects Spokane Way:
Pontiac Drive
(Ord. NS-163 § 1, 1991)

10.28.420  **Victoria Avenue.**
Drivers shall stop where the following described streets intersect Victoria Avenue:
Haverhill Street
Pontiac Drive
(Ord. NS-164 § 1, 1991; Ord. CS-238 § 2, 2014)

10.28.430  **Forest View Way.**
Drivers shall stop where the following described street intersects Forest View Way:
Hosp Way
(Ord. NS-472 § 1, 1999)

10.28.440  **Plum Tree Road.**
Drivers shall stop where the following described streets intersect Plum Tree Road:
Hidden Valley Road
Red Knot Road
Robinea Drive
Bluebonnet Drive
Windflower Drive
Coneflower Drive
(Ord. NS-568 § 1, 2001; Ord. NS-489 § 1, 1999)

10.28.450  Alderwood Drive.
Drivers shall stop where the following described street intersects Alderwood Drive:
Camino de las Ondas
(Ord. NS-490 § 1, 1999)

10.28.460  Levante Street.
Drivers shall stop where the following described streets intersect Levante Street:
Caminito Monarca
Falda Place
Anillo Way
Cumbre Court
Cima Court
Ladera Court
Escanio Terrace
Reposado Drive
Torrejon Place
Burgos Court
Sacada Circle
Oviedo Place
Nueva Castilla Way
Galicia Way
Madrilena Way
La Gran Via
Segovia Way
Calle Madero
Primavera Way
Galleon Way
Romeria Street
Morada Street
Estancia Street
Centella Street
(Ord. NS-496 § 1, 1999)

10.28.470  Paseo Escuela.
Drivers shall stop where the following described street intersects Paseo Escuela:
10.28.480  Avenida de Louisa.
Drivers shall stop where the following described street intersects Avenida de Louisa:
Avenida de Anita
(Ord. NS-500 § 1, 1999)

10.28.490  Via Naranja.
Drivers shall stop where the following described street intersects Via Naranja:
Avenida de Anita
(Ord. NS-500 § 2, 1999)

10.28.500  Calle Susana.
Drivers shall stop where the following described street intersects Calle Susana:
Avenida de Anita
(Ord. NS-500 § 3, 1999)

10.28.510  Via Esparta.
Drivers shall stop where the following described street intersects Via Esparta:
Avenida de Anita
(Ord. NS-500 § 4, 1999)

10.28.520  Via Vera.
Drivers shall stop where the following described street intersects Via Vera:
Avenida de Anita
(Ord. NS-500 § 5, 1999)

10.28.530  Segovia Way.
Drivers shall stop where the following described street intersects Segovia Way:
Levante Street
(Ord. NS-501 § 1, 1999)

10.28.540  Torrejon Place (east).
Drivers shall stop where the following described street intersects Torrejon Place (east):
Levante Street
(Ord. NS-501 § 2, 1999)

10.28.541  Torrejon Place (west).
Drivers shall stop where the following described street intersects Torrejon Place (west):
Levante Street
(Ord. CS-203 § 1, 2013)

10.28.550  Escenico Terrace.
Drivers shall stop where the following described street intersects Escenico Terrace:
10.28.560

Levante Street
(Ord. NS-501 § 3, 1999)

10.28.560 Hidden Valley Road.
Drivers shall stop where the following described street intersects Hidden Valley Road:
Camino de las Ondas
(Ord. NS-508 § 1, 1999)

10.28.570 Paseo Aliso.
Drivers shall stop where the following described street intersects Paseo Aliso:
Camino Robledo
Via Adelfa
(Ord. CS-179 § 1, 2012; Ord. NS-540 § 1, 2000)

10.28.580 Reserved.

10.28.590 Sunnyhill Drive.
Drivers shall stop where the following described streets intersect Sunnyhill Drive:
Alder Avenue
Monroe Street
(Ord. NS-609 § 2, 2001; Ord. NS-567 § 1, 2001)

10.28.600 Alder Avenue.
Drivers shall stop where the following described streets intersect Alder Avenue:
Monroe Street
Sunnyhill Drive
(Ord. NS-609 § 3, 2001; Ord. NS-567 § 2, 2001)

10.28.630 Levee Drive.
Drivers shall stop where the following described street intersects Levee Drive:
Tamarack Avenue
(Ord. NS-632 § 1, 2002)

10.28.640 Knollwood Drive.
Drivers shall stop where the following described street intersects Knollwood Drive:
Tamarack Avenue
(Ord. NS-632 § 2, 2002)

10.28.650 Strata Drive.
Drivers shall stop where the following described streets intersect Strata Drive:
Tamarack Avenue (east)
Contour Place
(Ord. NS-876 § 1, 2008; Ord. NS-632 § 3, 2002)
10.28.660  **Calle Cordoba.**  
Drivers shall stop where the following described street intersects Calle Cordoba:  
Calle Acervo  
(Ord. NS-668 § 1, 2003)

10.28.670  **Calle Acervo.**  
Drivers shall stop where the following described street intersects Calle Acervo:  
Calle Cordoba  
(Ord. NS-669 § 1, 2003)

10.28.680  **Paseo Aliso.**  
Drivers shall stop where the following described street intersects Paseo Aliso:  
Camino Robledo  
(Ord. NS-686 § 1, 2004)

10.28.690  **Camino Robledo.**  
Drivers shall stop where the following described street intersects Camino Robledo:  
Paseo Aliso  
(Ord. NS-687 § 1, 2004)

10.28.700  **Marlin Lane.**  
Drivers shall stop where the following described street intersects Marlin Lane:  
Avenida Encinas  
(Ord. NS-713 § 1, 2004)

10.28.710  **Portage Way.**  
Drivers shall stop where the following described street intersects Portage Way:  
Avenida Encinas  
(Ord. NS-713 § 2, 2004)

10.28.720  **Avenida Encinas.**  
Drivers shall stop where the following described streets intersect Avenida Encinas:  
Portage Way  
Marlin Lane  
(Ord. NS-713 § 3, 2004)

10.28.730  **Cypress Avenue.**  
Drivers shall stop where the following described street intersects Cypress Avenue:  
Ocean Street  
(Ord. NS-714 § 1, 2004)

10.28.740  **Paseo Almendro.**  
Drivers shall stop where the following described street intersects Paseo Almendro:  
Avenida Ciruela
10.28.750

(Ord. NS-716 § 1, 2004)

**10.28.750 Camino Serbal.**
Drivers shall stop where the following described street intersects Camino Serbal:
Paseo Almendro
(Ord. NS-716 § 2, 2004)

**10.28.760 Garboso Street.**
Drivers shall stop where the following described street intersects Garboso Street:
Morada Street
(Ord. NS-739 § 1, 2005)

**10.28.770 Rancho Cortes.**
Drivers shall stop where the following described street intersects Rancho Cortes:
Unicornio Street
(Ord. NS-741 § 1, 2005)

**10.28.780 Carrillo Way.**
Drivers shall stop where the following described street intersects Carillo Way:
Rancho Cortes
(Ord. NS-750 § 1, 2005)

**10.28.790 Lemon Leaf Drive.**
Drivers shall stop where the following described street intersects Lemon Leaf Drive:
Camino de las Ondas
(Ord. NS-759 § 1, 2005)

**10.28.800 Lonicera Street.**
Drivers shall stop where the following described street intersects Lonicera Street:
Camino de las Ondas
(Ord. NS-759 § 2, 2005)

**10.28.810 Madison Street.**
Drivers shall stop where the following described street intersects Madison Street:
Walnut Avenue
Chestnut Avenue
Pine Avenue
Oak Avenue
(Ord. NS-763 § 1, 2005)

**10.28.820 Lighthouse Road.**
Drivers shall stop where the following described street intersects Lighthouse Road:
Hidden Valley Road
(Ord. NS-764 § 1, 2005)
10.28.830  **Wintergreen Drive.**
Drivers shall stop where the following described street intersects Wintergreen Drive:
Hosp Way
(Ord. NS-786 § 1, 2006)

10.28.840  **Grove Avenue.**
Drivers shall stop where the following described street intersects Grove Avenue:
Hosp Way
(Ord. NS-787 § 1, 2006)

10.28.850  **Lynch Court.**
Drivers shall stop where the following described street intersects Lynch Court:
Hillyer Street
(Ord. NS-802 § 1, 2006)

10.28.860  **Mimosa Drive.**
Drivers shall stop where the following described streets intersect Mimosa Drive:
Geranium Street
Lupine Road
Catalpa Road
Aster Place
(Ord. NS-815 § 1, 2006)

10.28.870  **Palomar Oaks Way.**
Drivers shall stop where the following described streets intersect Palomar Oaks Way:
Camino Vida Roble
Wright Place
(Ord. NS-830 § 1, 2007)

10.28.880  **Unicornio Street.**
Drivers shall stop where the following described street intersects Unicornio Street:
El Fuerte Street
(Ord. NS-843 § 1, 2007)

10.28.890  **Chorlito Street.**
Drivers shall stop where the following described street intersects Chorlito Street:
El Fuerte Street
(Ord. NS-843 § 2, 2007)

10.28.900  **Orion Street.**
Drivers shall stop where the following described street intersects Orion Street:
Impala Drive
(Ord. NS-846 § 1, 2007)
10.28.910 Impala Drive.
Drivers shall stop where the following described street intersects Impala Drive:
Orion Street
(Ord. NS-846 § 2, 2007)

10.28.920 Palmer Way.
Drivers shall stop where the following described street intersects Palmer Way:
Impala Drive
(Ord. NS-846 § 3, 2007)

10.28.930 Donna Drive.
 Drivers shall stop where the following described streets intersect Donna Drive:
Falcon Drive
Basswood Avenue
Gayle Way
Janis Way
(Ord. NS-856 § 1, 2007)

10.28.940 Spoonbill Lane.
Drivers shall stop where the following described street intersects Spoonbill Lane:
Tern Place
(Ord. NS-877 § 1, 2008)

10.28.950 Knowles Avenue.
Drivers shall stop where the following described street intersects Knowles Avenue:
Davis Avenue (west)
(Ord. CS-049 § 1, 2009)

10.28.960 Valewood Avenue.
Drivers shall stop where the following street intersects Valewood Avenue:
Sierra Morena Avenue
(Ord. CS-082 § 2, 2010)

10.28.961 Sierra Morena Avenue.
 Drivers shall stop where the following streets intersect Sierra Morena Avenue:
Chestnut Avenue
Valewood Avenue
(Ord. CS-082 § 3, 2010)

10.28.962 Falcon Drive.
Drivers shall stop where the following described street intersects Falcon Drive:
Donna Drive
(Ord. CS-083 § 2, 2010)
10.28.963  Gayle Way.
Drivers shall stop where the following described streets intersect Gayle Way:
Ann Drive
Donna Drive
(Ord. CS-083 § 3, 2010)

10.28.964  Belle Lane.
Drivers shall stop where the following described street intersects Belle Lane:
Basswood Avenue.
(Ord. CS-083 § 4, 2010)

10.28.965  Ann Drive.
Drivers shall stop where the following described street intersects Ann Drive:
Gayle Way
(Ord. CS-083 § 5, 2010)

10.28.966  Viejo Castilla Way.
Drivers shall stop where the following described street intersects Viejo Castilla Way:
Navarra Drive
(Ord. CS-098 § 1, 2010)

10.28.967  Yosemite Street.
Drivers shall stop where the following described street intersects Yosemite Street:
Valewood Avenue
(Ord. CS-107 § 1, 2010)

10.28.968  Beech Avenue.
Drivers shall stop where the following described street intersects Beech Avenue:
Ocean Street
(Ord. CS-136, 2011)

10.28.969  Calle San Felipe.
Drivers shall stop where the following described street intersects Calle San Felipe:
Calle Posada
(Ord. CS-143, 2011)

10.28.970  Glasgow Drive.
Drivers shall stop where the following described streets intersect Glasgow Drive:
Edinburgh Drive
Middleton Drive
(Ord. CS-216 § 1, 2013; Ord. CS-161, 2011)

10.28.971  Lincoln Street.
Drivers shall stop where the following described street intersects Lincoln Street:
10.28.972 Pine Avenue
(Ord. CS-176 § 1, 2012)

10.28.972 Garfield Street.
Drivers shall stop where the following described street intersects Garfield Street:
   Chestnut Avenue
   Juniper Avenue
(Ord. CS-176 § 2, 2012)

10.28.973 Via Adelfa.
Drivers shall stop where the following described street intersects Via Adelfa:
   Paseo Aliso
(Ord. CS-179 § 2, 2012)

10.28.974 Stratford Lane.
Drivers shall stop where the following described street intersects Stratford Lane:
   Pio Pico Drive
(Ord. CS-181 § 2, 2012)

10.28.975 Sombrosa Street.
Drivers shall stop where the following described street intersects Sombrosa Street:
   Camino Alvaro
(Ord. CS-187, 2012)

10.28.976 Grecourt Way.
Drivers shall stop where the following described street intersects Grecourt Way:
   Magnolia Avenue
(Ord. CS-202 § 3, 2013)

10.28.977 Piragua Street.
Drivers shall stop where the following described street intersects Piragua Street:
   Esfera Street
(Ord. CS-201 § 1, 2013)

10.28.978 Trigo Lane.
Drivers shall stop where the following described street intersects Trigo Lane:
   Esfera Street
(Ord. CS-201 § 2, 2013)

10.28.979 Fosca Street.
Drivers shall stop where the following described street intersects Fosca Street:
   Esfera Street
(Ord. CS-201 § 3, 2013)
10.28.980 Fosca Way.
Drivers shall stop where the following described street intersects Fosca Way:
Esfera Street
(Ord. CS-201 § 4, 2013)

10.28.981 Esfera Street.
Drivers shall stop where the following described streets intersect Esfera Street:
Piragua Street
Trigo Lane
Fosca Street
Fosca Way
(Ord. CS-201 § 5, 2013)

10.28.982 Oviedo Place.
Drivers shall stop where the following described street intersects Oviedo Place:
Levante Street
(Ord. CS-203 § 2, 2013)

10.28.983 Madrilena Way.
Drivers shall stop where the following described street intersects Madrilena Way:
Levante Street
(Ord. CS-203 § 3, 2013)

10.28.984 Galicia Way (east).
Drivers shall stop where the following described street intersects Galicia Way (east):
Levante Street
(Ord. CS-203 § 4, 2013)

10.28.985 Primavera Way.
Drivers shall stop where the following described street intersects Primavera Way:
Levante Street
(Ord. CS-203 § 5, 2013)

10.28.986 Galleon Way.
Drivers shall stop where the following described street intersects Galleon Way:
Levante Street
(Ord. CS-203 § 6, 2013)

10.28.987 Estancia Street.
Drivers shall stop where the following described street intersects Estancia Street:
Levante Street
(Ord. CS-203 § 7, 2013)
10.28.988 Las Flores Drive.
Drivers shall stop where the following described streets intersect Las Flores Drive:
Chuparosa Way
Highland Drive
Morning Glory Lane
Pio Pico Drive
(Ord. CS-210 § 2, 2013)

10.28.989 Edinburgh Drive.
Drivers shall stop where the following described street intersects Edinburgh Drive:
Glasgow Drive
(Ord. CS-216 § 2, 2013)

10.28.990 Buena Vista Circle.
Drivers shall stop where the following described street intersects Buena Vista Circle:
Laguna Drive
(Ord. CS-222 § 3, 2013)

10.28.991 York Road.
Drivers shall stop where the following described street intersects York Road:
Pontiac Drive
(Ord. CS-238 § 3, 2014)

10.28.992 Haverhill Street.
Drivers shall stop where the following described street intersects Haverhill Street:
Victoria Avenue
(Ord. CS-238 § 4, 2014)

10.28.993 Hillside Drive.
Drivers shall stop where the following described street intersects Hillside Drive:
Park Drive
(Ord. CS-256 § 1, 2014)

10.28.994 Park Drive.
Drivers shall stop where the following described street intersects Park Drive:
Hillside Drive
(Ord. CS-256 § 2, 2014)
Chapter 10.32

MISCELLANEOUS DRIVING RULES

Sections:
10.32.010 Driving through funeral processions.
10.32.030 Driving vehicles on sidewalks or parkways prohibited.
10.32.040 New pavement.
10.32.050 Restricted access.
10.32.060 Restriction on use of freeways.
10.32.070 Certain vehicles prohibited in business district.
10.32.080 Riding horse on sidewalk.
10.32.090 Truck routes—Generally.
10.32.091 Truck routes—Streets designated.
10.32.092 Truck routes—Vehicles allowed.
10.32.093 Truck routes—Posting.

10.32.010 Driving through funeral processions.
No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such processions are conspicuously so designated. (Ord. 3005 § 45)

10.32.030 Driving vehicles on sidewalks or parkways prohibited.
The driver of a vehicle, including bicycles, shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway. (Ord. 3005 § 47)

10.32.040 New pavement.
No person shall ride or drive any animal or any vehicle over or across any newly-made pavement or freshly-painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed. (Ord. 3005 § 48)

10.32.050 Restricted access.
No person shall drive a vehicle onto or from any limited-access roadway except at such entrances and exits as are established by public authority. (Ord. 3005 § 49)

10.32.060 Restriction on use of freeways.
No person shall drive or operate any bicycle, motor-driven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by Section 332 of the state Vehicle Code, nor shall any pedestrian walk across or along any such street so designated and described except in a space set aside for the use of pedestrians; provided, that official signs are in place giving notice of such restrictions. (Ord. 1296 § 16, 1980; Ord. 3005 § 50)

10.32.070 Certain vehicles prohibited in business district.
A. No person shall operate any of the following vehicles in the business district between the hours of 7:00 a.m. and 6:00 p.m. of any day:
   Any freight vehicle more than eight and one-half feet in width, with load, or any freight vehicle so loaded that any part of its load extends more than 20 feet to the front or rear of the vehicle.
B. Provided, that the chief of police may by written permit authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the business district. (Ord. 3005 § 78)

10.32.080 Riding horse on sidewalk.
It is unlawful for any person to ride, drive, propel or cause to be propelled any horse across or upon any paved sidewalk. (Ord. 3049 § 1)

10.32.090 Truck routes—Generally.
The use of all streets within the city, excepting those streets described in Section 10.32.091, is prohibited as to all commercial vehicles exceeding a maximum gross vehicle weight rating of 14,000 pounds. (Ord. NS-827 § 1, 2007; Ord. 3210 § 1, 1987; Ord. 3005 § 50)

10.32.091 Truck routes—Streets designated.
The prohibition set forth in Section 10.32.090 shall not apply to the following streets and portions of streets which are designated and established truck routes, as follows:
A. Carlsbad Boulevard from the northerly city limits to the southerly city limits;
B. Carlsbad Village Drive from Carlsbad Boulevard east to Interstate 5 Freeway;
C. Tamarack Avenue from Interstate 5 Freeway to Carlsbad Boulevard;
D. Cannon Road, from Carlsbad Boulevard to El Camino Real;
E. Interstate 5 Freeway, northerly city limits to southerly city limits;
F. Palomar Airport Road from Carlsbad Boulevard to easterly city limits;
G. El Camino Real from northerly city limits to southerly city limits;
H. Repealed by Ord. 3216 § 1;
I. La Costa Avenue from the westerly city limits to El Camino Real;
J. Rancho Santa Fe Road from the southerly city limits to the northerly city limits;
K. Olivenhain Road from the westerly city limits to Rancho Santa Fe Road;
L. Deleted;
M. Melrose Drive from Palomar Airport Road to the northerly city limits;
N. Faraday Avenue from Cannon Road to the easterly city limits;
O. College Boulevard from Palomar Airport Road to El Camino Real;
P. El Fuerte Street from Palomar Airport Road to Faraday Avenue. (Ord. CS-015 § 1, 2008; Ord. NS-781 § 1, 2005; Ord. NS-534 § 9, 2000; Ord. 3216 § 1, 1987; Ord. 3209 § 1, 1987; Ord. 3198 § 1, 1986; Ord. 3146 § 1, 1982; Ord. 3090, 1972)

10.32.092 Truck routes—Vehicles allowed.
Section 10.32.090 shall not apply to the following vehicles:
A. Vehicles subject to the provisions of Sections 1031 to 1036 inclusive of the California Public Utilities Code;
B. Vehicles described in Section 35703 of the Vehicle Code; and
C. Vehicles traveling to or from permanent commercial parking facilities provided for them within the city. (Ord. 3090, 1972)
10.32.093 Truck routes—Posting.
All streets and portions thereof established by this chapter as truck routes, shall be posted with appropriate signs displaying in letters not less than four inches in height, the words “truck route.” (Ord. 3090, 1972)
Chapter 10.33

OVERSIZE VEHICLE OR LOAD PERMIT

Sections:
10.33.010 Purpose and intent.
10.33.020 Definitions.
10.33.030 Permit required.
10.33.040 Insurance required.
10.33.050 Emergency moves.
10.33.060 Permit denial.
10.33.070 Permit regulations.
10.33.080 Exceptions.
10.33.090 Permit fees.
10.33.100 Violations.
10.33.110 Appeal.
10.33.120 Exclusions from applicability of provisions.

10.33.010 Purpose and intent.
The purpose and intent of this chapter is for the city council to permit the controlled operation and moving of vehicles or loads upon highways under its jurisdiction in excess of size, height and weight of vehicles allowed to be moved or operated on highways under the provisions of the Vehicle Code of the state, and protect the public safety and welfare by requiring a permit and the filing of a policy of insurance protecting the public against personal injury and property damage. (Ord. NS-471 § 1, 1999)

10.33.020 Definitions.
Whenever in this chapter the following words or phrases are used they shall mean:
“City engineer” means the city engineer or designated representative.
“Oversize” means any vehicle and/or load in excess of the size and weight of vehicles and/or loads allowed to be moved or operated on highways under the provisions of the Vehicle Code of the State of California. (Ord. NS-471 § 1, 1999)

10.33.030 Permit required.
No person shall move or cause to be moved over or across any public right-of-way under the jurisdiction of the city any vehicle, load, trailer, or combination thereof, which exceeds the height, width, length, size or weight of vehicle or load limitations provided in Division 15 of the Vehicle Code of the state, without first obtaining an oversize load permit thereof from the city engineer, which will be subject to the following regulations:

A. An oversize load permit may be designated by the city engineer as either a single-move permit for the movement of an oversized vehicle or load over a designated route on a specified date, or an annual or repetitive permit issued for the period specified on the oversize load permit. Repetitive oversize load permits may be issued on the type of vehicle carrying the load in the case of non-self-propelled vehicles, and on the specific vehicle in the case of self-propelled vehicles. Repetitive oversize load permits shall authorize the movement of the vehicles, or loads specified on the permit; provided however, that the vehicle or load shall not exceed a width of 13 feet, a height of 16 feet, or a length of 100 feet. If the load proposed under the repetitive load transportation permit exceeds the weight limits as prescribed in Division 15 of the Vehicle Code of the state by more than 25%, such move shall be subject to such route restrictions as are designated by the city engineer.
B. The city engineer shall use a standard transportation permit form established by the California Department of Transportation.

C. The applicant for an oversize load permit shall be a person licensed as a specialty contractor by the state to engage in the business of moving oversized vehicles and/or loads.

D. Application for an oversize load permit shall be made to the office of the city engineer a minimum of 72 hours prior to the time proposed for the move.

E. On the oversize load permit, the permittee shall designate the specific route or routes, the specific date or dates, and the hours in which the move will occur. (Ord. NS-471 § 1, 1999)

10.33.040 Insurance required.
The applicant shall comply with the following insurance requirements:

A. At the time of making application for a permit pursuant to this chapter, the applicant shall attach or have on file with the city, a certificate of insurance showing auto liability insurance covering all bodily injury and property liability incurred during the moving period, with a coverage limit of not less than one million dollars per accident; such vehicle insurance shall include non-owned autos.

B. The certificate of insurance shall further indicate the city will be entitled to at least 10 days’ written notice of cancellation of the policy of insurance.

C. Governmental agencies, including the state and its political subdivisions, will not be required to provide the insurance required by this section, but shall be required to indemnify and hold the city harmless from any loss arising out of injury to persons, or damage to property, resulting directly or indirectly from the operation permitted by the oversize load permit, including the defense of any action arising therefrom, at no cost to the city. (Ord. NS-471 § 1, 1999)

10.33.050 Emergency moves.
For moves which, because of their emergency nature, require approval during periods other than the regularly scheduled working hours of the city engineer or chief of police, authorized representatives thereof may grant interim approval for such moves on the condition that a permit will be acquired during the next regularly scheduled working day. Failure to acquire such permits may result in disqualification for obtaining future permits. (Ord. NS-471 § 1, 1999)

10.33.060 Permit denial.
The city engineer shall not issue an oversize load permit if any one of the following conditions exists:

A. If the overweight per axle exceeds the limits provided in Division 15 of the Vehicle Code of the state by 50%;

B. If the move is determined by the city engineer to be prohibitive from the standpoint of public safety or contrary to the public interests;

C. If the applicant has repeatedly violated conditions of previously issued permits, or the applicant has unsettled claims against him or her for damages resulting from past moves;

D. If the applicant has failed to obtain a permit on the next regularly scheduled working day following interim approval for an emergency move. (Ord. NS-471 § 1, 1999)

10.33.070 Permit regulations.
Any person desiring an oversize load permit shall comply with the following regulations:

A. The permittee shall have the responsibility to ascertain the adequacy of the route requested for the move. When an over-height load is authorized (over 13 feet, six inches), the permittee shall check all underpasses, bridges, overhead wires and other limiting structures or facilities for adequate clearance. The permittee shall notify the owners of all overhead lines or structures subject to disturbances or
damage by his or her move and shall make arrangements for the temporary removal or relocation of the conflicting facility if required. The permittee shall bear all costs for such relocation where the facility is located in accordance with state and local regulations.

B. For any move involving a load or vehicle whose vertical height is 18 feet or over, or whose width is 30 feet or more, the permittee shall submit to the agencies whose facilities will be affected by such move the proposed route for approval at least 72 hours in advance of the move. No permit shall be issued until clearances have been received from the power company and telephone company or other agency owning such facility. Permittee shall be responsible for obtaining such clearance prior to permit issuance.

C. Oversize load permits shall be carried in the vehicle whose movement is authorized by such permit, and shall be available for inspection by any police officer, or any authorized agent of the city. Oversize load permits issued pursuant to this chapter shall be nontransferable.

D. All moving operations under an oversize load permit shall be in conformance with all general and special conditions set forth by the city engineer on such permit.

E. In case of damage to any street or other public street improvement by reason of the moving of any vehicle or load under the oversize load permit, the city shall cause such work to be done as may be necessary to restore the public street improvement to as good a condition as the same was in prior to such damage, and shall charge the cost thereof to the permittee. Such damages as occur may be recovered from the insurance required under Section 10.33.040.

F. Movement of oversize loads or vehicles shall be prohibited during the hours of darkness (one-half hour after sunset to one-half hour before sunrise), and between the hours of 6:00 a.m. and 9:00 a.m., and 3:30 p.m. and 6:30 p.m., or as stipulated in the permit.

G. The city engineer shall have the right to inspect all rollers, trucks, wheels, dollies, tractors or other apparatus proposed to be used in the moving operations. The city engineer shall be the sole judge as to the adequacy of such equipment, and may require the use of such apparatus as in his or her judgment will not cause injury to streets or pavements. Any permit issued under this chapter shall stipulate that all equipment used in moving operations shall be subject to the approval of the city engineer.

H. Temporary “No Parking Tow Away” signs shall be posted 72 hours prior to the move by the permittee as designated on the permit.

I. The permittee shall comply at all times with the provisions of the Vehicle Code of the state. (Ord. NS-471 § 1, 1999)

10.33.080 Exceptions.
The city engineer shall not require an oversize load permit if any of the following conditions exists:

A. Oversized load vehicles shall have ingress or egress by direct route to and from such restricted streets for the purpose of ordinary commerce of making pickups or deliveries of goods, wares and merchandise.

B. Oversized load vehicles coming from an unrestricted street having ingress or egress by direct route to and from such restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure for the purpose of delivering materials to be used in the actual bona fide repair, alteration, remodeling or construction of any building or structure for which a building permit has previously been obtained, or any vehicle owned by a public utility in use in construction, installation or repair of any public utility. (Ord. NS-471 § 1, 1999)

10.33.090 Permit fees.
Permit fees required subject to the following regulations:
A. The fees for an oversize load permit shall be set by resolution of the city council upon the recommendation of the city manager. The fee shall not exceed the fee schedule developed by the California Department of Transportation.

B. A copy of the fee schedule established by resolution of the city council shall be placed on file in the office of the city clerk.

C. An extension of the effective date or an amendment to the oversize load permit may be made without payment of additional fees, if approved by the city engineer, and if requested prior to the expiration date of the original permit.

D. Government agencies, including the State of California and any of its political subdivisions, shall be required to make application for permits as provided under the provisions of this chapter, and if approved, shall be issued a no-fee permit in accordance with the provisions of this chapter. Independent contractors engaged in government contracts shall not be exempt from permit fees. (Ord. NS-471 § 1, 1999)

10.33.100 Violations.
Any person or corporation proceeding without a permit or in violation of a permit is guilty of an infraction. (Ord. NS-471 § 1, 1999)

10.33.110 Appeal.
The city engineer may deny issuance of a permit or revoke or suspend a permit issued to any person who violates any provision of this chapter. Within 10 calendar days after receipt of the decision of city engineer, any party affected by the decision may file with the city clerk a written request for a hearing before the city council. Fees for appeal shall be established by resolution of the city council. Upon the filing of such a request and payment of fees, the city clerk shall set the matter for a hearing and shall notify the appellant of the date, time and place of such hearing at least five days before the hearing date. At the hearing, any person may present evidence in opposition to, or in support of, appellant’s case. (Ord. NS-471 § 1, 1999)

10.33.120 Exclusions from applicability of provisions.
The requirements of this chapter shall not affect the requirements of any other chapter of this code requiring permits, fees and bonds, including the requirements for moving and relocating structures. (Ord. NS-471 § 1, 1999)
Chapter 10.34

INTERSTATE TRUCKS

Sections:

10.34.010 Definitions.
10.34.020 Purpose.
10.34.030 Application.
10.34.040 Fees and costs.
10.34.050 Retrofitting.
10.34.060 Revocation of route.
10.34.070 Appeal process.

10.34.010 Definitions.
The following words and phrases shall have the meanings set forth, and if any word or phrase used in this chapter is not defined in this section, it shall have the meaning set forth in the California Vehicle Code, provided that if any such word or phrase is not defined in the vehicle code, it shall have the meaning attributed to it in ordinary usage:

“Caltrans” means the State of California Department of Transportation or its successor agency.

“City traffic engineer” means the city traffic engineer of the city or an authorized representative.

“Interstate truck” means a truck tractor and semitrailer or truck tractor, semi-trailer and trailer with unlimited length as regulated by the vehicle code.

“Terminal” means any facility at which freight is consolidated to be shipped or where full-load consignments may be loaded and off-loaded or at which the vehicles are regularly maintained, stored or manufactured. (Ord. 3193 § 1, 1985)

10.34.020 Purpose.
The purpose of this chapter is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on a federally designated highway system and to promote the general health, safety and welfare of the public. (Ord. 3193 § 1, 1985)

10.34.030 Application.
A. Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form as provided by the city, together with such information as may be required by the city traffic engineer and appropriate fees to the City of Carlsbad.

B. Upon receipt of the application, the city traffic engineer will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon the transportation director’s approval of that designation, the city traffic engineer will then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of Caltrans.

C. Should the requested route pass through the City of Carlsbad to a terminal located in another jurisdiction, the applicant shall comply with that jurisdiction’s application process. Coordination of the approval of the route through the city will be the responsibility of the entity which controls the terminals land use. Costs for trailblazer signs shall be as provided in Section 10.34.040. (Ord. CS-164 § 2, 2011; Ord. 3193 § 1, 1985)
10.34.040 Fees and costs.
A. The applicant shall pay a nonrefundable application fee, as established by the city by resolution, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.
B. Upon the approval of the terminal designation and route by the city and by Caltrans, the applicant shall deposit with the City of Carlsbad sufficient funds as estimated by the city traffic engineer to pay for the purchase and installation of terminal access signs and trailblazer signs. Trailblazer signs will be required at every decision point in the city enroute to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed; any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place. (Ord. 3193 § 1, 1985)

10.34.050 Retrofitting.
A. If all feasible routes to a requested terminal are found unsatisfactory by the city traffic engineer, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the city or by a contractor.
B. If at any time within five years from the date of completion of the retrofitting by the applicant, should any new applicant seek approval of a terminal which would use the rate upon which such retrofitting was accomplished, the new applicant may be required to pay a fee to the city equal to the proportionate share of the cost of the previously completed retrofitting, as determined by the city traffic engineer, which fee shall be disbursed by the City of Carlsbad to the applicant who paid for the retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the report with the city traffic engineer required by this subsection. (Ord. 3193 § 1, 1985)

10.34.060 Revocation of route.
The city traffic engineer may revoke any approved terminal or route if the terminal or route becomes a safety hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or said vehicles causing unsafe driving conditions for other vehicular traffic or pedestrians. (Ord. 3193 § 1, 1985)

10.34.070 Appeal process.
A. If the city traffic engineer denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within 10 days following the date of receipt of the decision of the city traffic engineer, may appeal said decision to the city council in writing. An appeal shall be made on a form prescribed by the transportation department and shall be filed with the city clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the city traffic engineer or wherein its decision is not supported by the evidence in the record. Within five days of the filing of an appeal, the city traffic engineer shall transmit to the city clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the city traffic engineer, the findings of the city traffic engineer and the city traffic engineer's decision on the application.
B. The city clerk shall make copies of the data provided by the city traffic engineer available to the applicant and to the appellant (if the applicant is not the appellant) for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the city council.
C. If Caltrans and not the city traffic engineer denies or revokes terminal access from federally designated highways, no appeal may be made to the city council, but must be made to Caltrans as may be permitted by Caltrans. (Ord. 3193 § 1, 1985)
Chapter 10.36

PEDESTRIANS

Sections:

10.36.010 Establishment of crosswalks.
10.36.020 Use of crosswalks.
10.36.030 Crossing at right angles.
10.36.040 Standing in roadways.

10.36.010 Establishment of crosswalks.
A. The city traffic engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

Crosswalks shall be established and maintained where the city traffic engineer determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in subsection B of this section.

B. Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than 400 feet in length, except that the city traffic engineer may establish a crosswalk on Grand Avenue between State and Roosevelt Streets. Elsewhere not more than one additional crosswalk shall be established in any one block and such crosswalk shall be located as nearly as practicable at midblock. (Ord. 3005 § 51)

10.36.020 Use of crosswalks.
No pedestrian shall cross a roadway other than by a crosswalk in any business district. (Ord. 3005 § 52)

10.36.030 Crossing at right angles.
No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. 3005 § 53)

10.36.040 Standing in roadways.
No person shall stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street in line of duty. (Ord. 3005 § 54)
Chapter 10.40

STOPPING, STANDING AND PARKING

Sections:

Article I. Generally

10.40.005 Application of regulations.
10.40.010 Parking for 72 or more consecutive hours prohibited—Removal of vehicle.
10.40.015 Prohibited purposes for parking on roadway.
10.40.020 Parking parallel with curb.
10.40.025 Signs or markings indicating angle parking.
10.40.030 Parking adjacent to schools.
10.40.035 Parking prohibited on narrow streets.
10.40.040 Parking restricted on certain parts of Ocean Street.
10.40.041 Parking restricted on certain parts of Carlsbad Boulevard.
10.40.043 Parking restricted on certain parts of Carlsbad Village Drive.
10.40.045 Parking restricted on portion of Highland Drive.
10.40.046 Parking restricted on portion of Avenida Encinas.
10.40.047 Parking restricted on El Camino Real.
10.40.048 Parking restricted on portion of Paseo del Norte.
10.40.049 Parking restricted on Hosp Way.
10.40.050 Parking on hills.
10.40.051 Parking restricted on Monroe Street.
10.40.052 Parking restricted on Buena Vista Way.
10.40.053 Parking restricted on Carlsbad Village Drive.
10.40.054 Parking restricted on portion of Madison Street.
10.40.055 Parking prohibited at all times where signs are erected.
10.40.056 Parking restricted on portion of Roosevelt Street.
10.40.057 Parking restricted on portion of Grand Avenue.
10.40.058 Parking restricted on portion of Alga Road.
10.40.059 Parking restricted on Tamarack Avenue.
10.40.060 Parking restricted on Palisades Drive.
10.40.061 Parking restricted on Carlsbad Boulevard.
10.40.062 Parking time limit on Marjorie Lane.
10.40.063 Parking time restricted in alley located west of State Street.
10.40.064 Parking restricted on Middleton Drive.
10.40.065 Emergency parking signs.
10.40.066 Parking restricted on Woodstock Street.
10.40.067 Parking restricted on Avenida Encinas.
10.40.068 Parking restricted on Marron Road.
10.40.069 Parking restricted on Poinsettia Lane.
10.40.070 Parking restricted on Cannon Road.
10.40.071 Parking restricted on Manzano Drive.
10.40.072 Parking restricted on Paseo Del Norte.
10.40.073 Parking restricted on Car Country Drive.
10.40.074 Parking restricted on Pontiac Drive.
10.40.075 Commercial vehicles in residential district.
10.40.076 Parking restricted in the parking lot at the Monroe Street Pool.
10.40.077 Parking restricted on Calle Barcelona.
10.40.078 Parking restricted in the front parking lot west of the Carlsbad Safety Center.
10.40.079 One-hour parking on Ocean Street.
10.40.080 Angle parking.
Article II. Stopping for Loading or Unloading

10.40.081 Parking restricted on Camino Vida Roble.
10.40.082 Parking time limit on Oak Avenue.
10.40.083 Parking time limit on Bayshore Drive.
10.40.084 Parking time limit on Christiansen Way.

10.40.085 Authority to establish loading zones.
10.40.090 Curb markings.
10.40.095 Permit for loading or unloading at angle to curb.
10.40.100 Effect of permission to load or unload.
10.40.105 Standing for loading or unloading only.
10.40.110 Standing in passenger loading zone.
10.40.115 Standing in any alley.
10.40.120 Bus zones.

Article III. Restricted or Prohibited Parking

10.40.125 Parking time limited in business districts.
10.40.126 Parking time limited in business district.
10.40.127 Parking time limit on Ponto Drive (south).
10.40.128 Parking restricted on Cassia Road.
10.40.129 Parking restricted on Afton Way.
10.40.130 Overnight parking.
10.40.131 Parking restricted on Camino de los Coches.
10.40.135 Parking prohibited at all times on certain streets.
10.40.140 Parking prohibited on certain streets on Saturdays, Sundays and holidays.
10.40.145 Parking space markings.
10.40.150 Parking restricted at certain times to facilitate street sweeping.
10.40.151 Parking prohibited of unattached trailers or semi-trailers.
10.40.155 Parking time limit on Beech Avenue.
10.40.156 Parking time limit on Grand Avenue.
10.40.157 Parking time limit on Washington Street.
10.40.158 Parking time limit on State Street.
10.40.159 Parking time limit on Roosevelt Street.
10.40.160 Parking time limit on Madison Street.
10.40.161 Parking time limit on Beech Avenue.
10.40.162 Parking time limit for parking lots at the Village Old Depot building.
10.40.163 Parking time limit for the parking lot located on the corner of Grand Avenue and State Street.
10.40.164 Parking time limit on the access drive between Carlsbad Village Drive and Grand Avenue.
10.40.165 Parking time limit in the four parking spaces on the east side of the alley north of Christiansen Way.
10.40.166 Parking time limit on a portion of Celinda Drive.
10.40.167 Parking time limit on Kimberly Court.
10.40.168 Parking time limit on Shawn Court.
10.40.169 Parking time limit on Dana Court.
10.40.170 Parking time limit on Paseo Descanso from Carrillo Way to Paseo Cerro.
10.40.171 Parking restricted on Van Allen Way.
10.40.180 Parking of oversized vehicles.
Article I. Generally

10.40.005 Application of regulations.
A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the state Vehicle Code or the ordinances of the city, prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 3005 § 55)

10.40.010 Parking for 72 or more consecutive hours prohibited—Removal of vehicle.
A. No person shall cause or allow any vehicle owned by him or her or in his/her possession, custody or control, to be parked upon any street, alley or publicly owned parking lot for 72 or more consecutive hours.
B. For the purpose of this section, a vehicle shall be deemed to be left standing when such vehicle has not been moved more than one-tenth of a mile (528 feet) under its own power from its original stopped position.
C. Any member of the police department may remove any vehicle parked upon any street, alley or publicly owned parking lot for 72 or more consecutive hours and shall, upon such removal, deal with such vehicle as provided in Sections 22650 through 22856 of the Vehicle Code of the state. (NS-238 § 1, 1993; Ord. 3135 § 1, 1981; Ord. 3067 § 1; Ord. 3005 § 56)

10.40.015 Prohibited purposes for parking on roadway.
A. No person shall stand or park any commercial vehicle on any street for the purpose of loading or unloading any merchandise or goods except in authorized loading zones as provided in Section 10.40.085.
B. No person shall stand or park any vehicle on any street or public right-of-way when it appears because of a sign or placard on the vehicle that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle.
C. Any peace officer or regularly employed and salaried employee engaged in directing traffic or enforcing parking laws and regulations of the city may remove a vehicle located within the territorial limits in which the officer or employee may act when the vehicle is found upon a street or public lands if:
   1. Because of a sign or placard on the vehicle it appears that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle; and
   2. Within the past 30 days the vehicle is known to have been previously issued a notice of parking violation, under subsection B of this section which was accompanied by a notice containing all of the following:
      a. A warning that an additional parking violation may result in the impoundment of the vehicle,
      b. A warning that the vehicle may be impounded pursuant to Vehicle Code Section 22651.9, even if moved to another street, so long as the signs or placards offering the vehicle for sale remain on the vehicle,
      c. A statement that all city streets and public lands are subject to the provisions of Section 10.40.015(B) and (C);
   3. The notice of parking violation was issued at least 24 hours prior to the removal of the vehicle;
10.40.020 Parking parallel with curb.

A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the lefthand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof. (Ord. 3005 § 58)

10.40.025 Signs or markings indicating angle parking.

A. Whenever any ordinance of this city designates and describes any street or portion thereof upon which angle parking shall be permitted, the city traffic engineer shall mark or sign such street indicating the angle at which vehicles shall be parked.

B. When signs or markings are in place indicating angle parking as provided in this section, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

C. Angle parking shall be permitted upon those streets and parts of streets described in Section 10.40.080. (Ord. 3005 § 59)

10.40.030 Parking adjacent to schools.

A. The city traffic engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 3005 § 61)

10.40.035 Parking prohibited on narrow streets.

A. The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed 30 feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. 3005 § 62)

10.40.040 Parking restricted on certain parts of Ocean Street.

It is unlawful for any person to park his or her vehicle upon the east and south side of Ocean Street between Pacific Avenue and Garfield Street. It is unlawful for any person to park his or her vehicle upon the south side of Ocean Street between Garfield Street and Mountain View Drive. (Ord. 3056 § 1)
10.40.041 Parking restricted on certain parts of Carlsbad Boulevard.

A. The parking of vehicles is prohibited during all hours of the day and night at the following locations along Carlsbad Boulevard:
   1. The east side between the south city limits and a point 250 feet north of Pine Avenue;
   2. The east side between a point 150 feet south of Carlsbad Village Drive and a point 390 feet north of Cypress Avenue;
   3. The east side between a point 530 feet north of Cypress Avenue and the north city limits;
   4. The west side between the south city limits and a point 160 feet north of Redwood Avenue, except at those locations where parking is permitted between certain hours of the day as provided in subsection B of this section;
   5. The west side between Cherry Avenue and Carlsbad Village Drive;
   6. The west side between Cypress Avenue and Beech Avenue;
   7. The west side between Mountain View Drive and the north city limits.

B. The parking of vehicles is prohibited between certain hours of the day at the following locations along Carlsbad Boulevard:
   1. On the west side between a point 300 feet north of Tierra Del Oro Street and a point 1,230 feet south of Tamarack Avenue there will be no parking between 11:00 p.m. and 5:00 a.m.;
   2. On the west side between a point 160 feet north of Redwood Avenue to Cherry Avenue there will be no parking between 2:00 a.m. and 5:00 a.m.;
   3. On the west side between Grand Avenue and Carlsbad Village Drive there will be no parking between 2:00 a.m. and 5:00 a.m.;
   4. On the west side of Carlsbad Boulevard between Shore Drive (south) and a point 345 feet southerly of Manzano Drive there will be no parking between 11:00 p.m. and 5:00 a.m.;
   5. On the easterly side of the southbound lane of Carlsbad Boulevard from Palomar Airport Road to a point 535 feet southerly of Avenida Encinas there will be no parking between 11:00 p.m. and 5:00 a.m.;
   6. On the westerly side of the southbound lane of Carlsbad Boulevard from a point 77 feet southerly of Avenida Encinas to a point 287 feet southerly of Avenida Encinas there will be no parking between 11:00 p.m. and 5:00 a.m.;
   7. On the westerly side of the southbound lane of Carlsbad Boulevard from a point 613 feet southerly of Avenida Encinas to a point 1,432 feet southerly of Avenida Encinas there will be no parking between 11:00 p.m. and 5:00 a.m.;
   8. On the westerly side of the southbound lane of Carlsbad Boulevard from a point 2,070 feet southerly of Avenida Encinas to a point 2,664 feet southerly of Avenida Encinas there will be no parking between 11:00 p.m. and 5:00 a.m.;
   9. On the easterly side of the northbound lane of Carlsbad Boulevard from a point 100 feet north of Christiansen Way to Beech Avenue there will be no parking between 2:00 a.m. and 5:00 a.m.

C. Unless otherwise prohibited or restricted, vehicles shall be parked off the paved roadway at the following locations along Carlsbad Boulevard:
   1. The west side between a point 940 feet north of the south city limits and a point 1,500 feet north of the south city limits;
   2. The west side between a point 350 feet north of Descanso Boulevard and a point 1,170 feet north of Descanso Boulevard;
   3. The west side between a point 3,125 feet north of Descanso Boulevard and a point 3,860 feet north of Descanso Boulevard;
4. The east side of the southbound lane between a point 515 feet south of Palomar Airport Road and Palomar Airport Road;
5. The west side between a point 1,250 feet south of Cerezo Drive and a point 35 feet south of Cerezo Drive;
6. The west side between a point 140 feet north of Cerezo Drive and Shore Drive (north).

D. The Carlsbad police department is authorized to remove any such illegally parked vehicles.
E. These will be two-hour parking between the hours of 5:00 a.m. to 6:00 p.m. on the west side of Carlsbad Boulevard between Carlsbad Village Drive and Grand Avenue.
F. There will be three-hour parking on the east side of Carlsbad Boulevard from a point 100 feet north of Christiansen Way to Beech Avenue between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays.
G. Parking of oversized vehicles is prohibited on the west side of Carlsbad Boulevard between Redwood Avenue and Cherry Avenue from Memorial Day to Labor Day.

For the purposes of this section only, “oversized vehicles” shall mean any vehicle that exceeds:

1. Seven feet in height, as measured from the street and including any item affixed to the top of the vehicle; or
2. Twenty-two feet in length, as measured from bumper to bumper and including any trailered attachment; or
3. Seven feet in width. Any extension(s) caused by accessories attached to the side(s) of such a vehicle, not including vehicle mirrors, shall be considered part of the measured width. (Ord. CS-120 § 1, 2011; Ord. NS-756 §§ 1-7, 2005; Ord. NS-712 § 1, 2004; Ord. NS-543 § 1, 2000; Ord. NS-486 § 1, 1999; Ord. NS-401 § 1, 1997; Ord. 3176 § 1, 1984; Ord. 3088, 1972)

10.40.043 Parking restricted on certain parts of Carlsbad Village Drive.
A. Parking of vehicles is prohibited during all hours of the day and night on the northerly side of Carlsbad Village Drive:
   1. Between Highland Drive and Valley Street;
   2. Between Valley Street and Monroe Street.
B. Parking of vehicles is prohibited during all hours of the day and night on the southerly side of Carlsbad Village Drive:
   1. Between Highland Drive and Valley Street;
   2. Between Valley Street and Monroe Street. (Ord. NS-534 § 10, 2000; Ord. 3121 § 1, 1980)

10.40.045 Parking restricted on portion of Highland Drive.
It is unlawful for any person to park his or her vehicle upon the east side of Highland Drive between Arland Road and Forest Avenue. (Ord. 3063 § 4)

10.40.046 Parking restricted on portion of Avenida Encinas.
Parking of vehicles is prohibited during all hours of the day and night on the westerly and easterly sides of Avenida Encinas between Palomar Airport Road and Cannon Road. (Ord. 3137 § 2, 1981)

10.40.047 Parking restricted on El Camino Real.
Parking of vehicles is prohibited during all hours of the day and night on both sides of El Camino Real in the city limits. (Ord. 3148 § 1, 1982; Ord. 3139 § 1, 1981)
10.40.048 Parking restricted on portion of Paseo del Norte.
Parking of vehicles is prohibited during all hours of the day and night on the west side of Paseo del Norte between Palomar Airport Road and Caminito Madrigal; and on the east side of Paseo del Norte south of Palomar Airport Road to 2,650 feet south. (Ord. 3145 § 1, 1982)

10.40.049 Parking restricted on Hosp Way.
Parking of vehicles is prohibited during all hours of the day and night on both sides of Hosp Way from El Camino Real to Calle Arroyo and from 550 feet west of Avenida Magnifica to Monroe Street. (Ord. CS-229 § 1, 2013; Ord. 3152 § 1, 1982)

10.40.050 Parking on hills.
No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent within any business or residence district without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. 3005 § 63)

10.40.051 Parking restricted on Monroe Street.
There shall be no parking on both sides of Monroe Street from Carlsbad Village Drive to Marron Road. (Ord. NS-534 § 11, 2000; Ord. 3160 § 1, 1983; Ord. 3151 § 1, 1982)

10.40.052 Parking restricted on Buena Vista Way.
Parking of vehicles is prohibited during all hours of the day and night on both sides of Buena Vista Way from 280 feet east of Pio Pico to Highland Avenue. (Ord. 3155 § 1, 1983)

10.40.053 Parking restricted on Carlsbad Village Drive.
Parking of vehicles is prohibited during all hours of the day and night on both sides of Carlsbad Village Drive from Carlsbad Boulevard to its intersection with Pio Pico Drive. (Ord. NS-534 § 12, 2000; Ord. NS-91 § 1, 1989; Ord. 3155 § 1, 1983)

10.40.054 Parking restricted on portion of Madison Street.
Parking of vehicles is prohibited during all hours of the day and night on both sides of Madison Street between Carlsbad Village Drive and Grand Avenue where planter areas protrude into the streets. (Ord. NS-534 § 13, 2000; Ord. 3158, 1983)

10.40.055 Parking prohibited at all times where signs are erected.
The city traffic engineer shall appropriately sign or mark the following places and when so signed or marked no person shall stop, stand or park a vehicle in any such places:
A. At any place within 20 feet of a point on the curb immediately opposite the mid-block end of a safety zone;
B. At any place within 25 feet of an intersection in any business district except that a bus may stop at a designated bus stop;
C. Within 25 feet of the approach to any traffic signal, boulevard, stop sign or official electric flashing device;
D. At any place where the city traffic engineer determines that it is necessary in order to eliminate dangerous traffic hazards. (Ord. 3005 § 64)
10.40.056 Parking restricted on portion of Roosevelt Street.
Parking of vehicles is prohibited during all hours of the day and night on both sides of Roosevelt Street between Carlsbad Village Drive and Grand Avenue where planter areas protrude into the street. (Ord. NS-534 § 14, 2000; Ord. 3158, 1983)

10.40.057 Parking restricted on portion of Grand Avenue.
Parking of vehicles is prohibited during all hours of the day and night on the south side of Grande Avenue at Madison Street and Roosevelt Street where planter areas protrude into the street. (Ord. 3158, 1983)

10.40.058 Parking restricted on portion of Alga Road.
A no parking zone is declared on Alga Road as follows: North side from Mimosa Drive to Melrose Drive; and south side from Mimosa Drive to El Camino Real and from Alicante Road to Melrose Drive. (Ord. 3180 § 1, 1984)

10.40.059 Parking restricted on Tamarack Avenue.
A. There will be no parking on both sides of Tamarack Avenue from Skyline Road to Carlsbad Village Drive.
B. There will be no parking on the easterly side of Tamarack Avenue from Carlsbad Village Drive to Wilshire Avenue and no parking on the westerly side of Tamarack Avenue from Carlsbad Village Drive to a point 170 feet southerly of Wilshire Avenue. (Ord. NS-534 § 15, 2000; Ord. NS-50 § 1, 1988; Ord. 3182 § 1, 1985)

10.40.060 Parking restricted on Palisades Drive.
There will be no parking on the easterly side of Palisades Drive from Tamarack Avenue to a point 60 feet north of the most northerly intersection of Driftwood Circle. (Ord. 3207 § 1, 1986)

10.40.061 Parking restricted on Carlsbad Boulevard.
There will be no parking on the easterly side of Carlsbad Boulevard from Palomar Airport Road to the southerly city limit near La Costa Avenue. (Ord. 3214 § 1, 1987)

10.40.062 Parking time limit on Marjorie Lane.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Marjorie Lane, Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. (Ord. NS-13 § 1, 1988; Ord. 3215 § 1, 1987)

10.40.063 Parking time restricted in alley located west of State Street.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on the easterly side of the alley located west of State Street from Christiansen Way (Cedar Street) to a point 1,270 feet northerly and no person shall stop, stand or park any vehicle on the westerly side of said alley within designated limits between the hours of 10:00 p.m. and 6:00 a.m., seven days a week. (Ord. 3219 § 1, 1987)

10.40.064 Parking restricted on Middleton Drive.
There will be no parking on the northerly and easterly sides of Middleton Drive from Glasgow Drive to Woodstock Street. (Ord. 3224 § 1, 1988)
10.40.065  Emergency parking signs.
A. Whenever the city traffic engineer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the city traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city traffic engineer shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the city traffic engineer shall cause such signs to be removed promptly thereafter.
B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 3005 § 66)

10.40.066  Parking restricted on Woodstock Street.
There will be no parking on the northerly and easterly sides of Woodstock Street from Glasgow Drive to Lancaster Road. (Ord. 3223 § 1, 1988)

10.40.067  Parking restricted on Avenida Encinas.
There will be no parking on the easterly and westerly sides of Avenida Encinas from Poinsettia Lane to Windrose Circle. (Ord. NS-40 § 1, 1988)

10.40.068  Parking restricted on Marron Road.
There will be no parking on the northerly and southerly sides of Marron Road from Jefferson Street to Avenida de Anita. (Ord. NS-41 § 1, 1988)

10.40.069  Parking restricted on Poinsettia Lane.
There will be no parking on both sides of Poinsettia Lane from Carlsbad Boulevard to a point 440 feet easterly of Snapdragon Drive. (Ord. NS-64 § 1, 1989)

10.40.070  Parking restricted on Cannon Road.
There will be no parking on the southerly side of Cannon Road from Carlsbad Boulevard to Car Country Drive and no parking on the northerly side of Cannon Road from El Arbol Drive to Car Country Drive. (Ord. NS-65 § 1, 1989)

10.40.071  Parking restricted on Manzano Drive.
There will be no parking on both sides of Manzano Drive from Carlsbad Boulevard to El Arbol Drive. (Ord. NS-79 § 1, 1989)

10.40.072  Parking restricted on Paseo Del Norte.
A. There will be two-hour restricted parking on each side of Paseo del Norte between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, with holidays excepted, from Cannon Road to its intersection with Car Country Drive.
B. There will be no parking on each side of Paseo del Norte from Poinsettia Lane southerly to the Sea Cliff entrance gate.
C. There will be no parking on both sides of Paseo Del Norte between midnight and 5:00 a.m., seven days a week, from Poinsettia Lane to Camino de las Ondas. (Ord. NS-724 § 1, 2004; Ord. NS-270 § 1, 1994; Ord. NS-88 § 1, 1989)
10.40.073 Parking restricted on Car Country Drive.
A. There will be two-hour parking on the westerly and northerly sides of Car Country Drive between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, with holidays excepted, from Auto Center Court to its intersection with Paseo Del Norte.
B. There will be no parking on the easterly and southerly sides of Car Country Drive between the hours of midnight and 6:00 a.m. from Auto Center Court to its intersection with Paseo Del Norte. (Ord. NS-231, 1993; Ord. NS-89, 1989)

10.40.074 Parking restricted on Pontiac Drive.
There will be no parking on the easterly side of Pontiac Drive from Tamarack Avenue to Victoria Avenue and on the westerly side of Pontiac Drive from Tamarack Avenue to a point 140 feet south of the southerly boundary of the right-of-way of Victoria Avenue. (Ord. NS-90 § 1, 1989)

10.40.075 Commercial vehicles in residential district.
A. No person shall stop, park or leave standing any commercial vehicle having a manufacturer’s gross vehicle weight rating of 10,000 pounds or more on a street in any residential district whether attended or unattended except:
   1. While making pickups or deliveries of goods, wares and merchandise from or to any building or structure located within any residential district; or
   2. While delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building within 200 feet of the parked vehicle when a permit has previously been obtained; or
   3. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property on the block in which such vehicle is parked, so long as the commercial vehicle’s presence is required to provide the service; or
   4. Buses when loading or unloading passengers at established zones.
B. For the purpose of this section:
   1. A “commercial vehicle” is a motor vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.
   2. Passenger vehicles which are not used for the transportation of persons for hire, compensation or profit and housecars are not commercial vehicles. This subdivision shall not apply to California Vehicle Code Chapter 4 (commencing with Section 6700) of Division 3.
   3. Any vanpool vehicle is not a commercial vehicle.
   4. The term “residential district” shall be defined as any property or portion thereof zoned R-A (residential agricultural zone), R-E (rural residential estate zone), R-1 (one-family residential zone), R-2 (two-family residential zone), R-3 (multiple-family residential zone), R-T (residential tourist zone), R-W (residential waterway zone), P-C (planned community zone), or RD-M (residential density multiple zone) as defined in Title 21 of this code. (Ord. NS-650 § 1, 2002; Ord. 3037 § 1)

10.40.076 Parking restricted in the parking lot at the Monroe Street Pool.
A. Parking will be restricted to current users of the Monroe Street Pool between the hours of 5:00 a.m. and 11:00 p.m. for all parking spaces located between the north entry and the south exit of the Monroe Street Pool parking lot. Vehicles must be registered at the pool office with name of driver, license plate number, and time of arrival.
B. There will be 90-minute parking 24 hours per day, seven days per week for all the parking spaces located immediately south of and adjacent to the swimming pool at the Carlsbad Community Swim
10.40.077 Parking restricted on Calle Barcelona.
There will be no parking on both sides of Calle Barcelona from Rancho Santa Fe Road to Calle San Felipe. (Ord. NS-96 § 1, 1989)

10.40.078 Parking restricted in the front parking lot west of the Carlsbad Safety Center.
There will be two-hour parking, Monday through Friday, from 7:00 a.m. to 5:00 p.m. for the eight parking spaces in the front parking lot located westerly of the Carlsbad Safety Center. (Ord. NS-112 § 1, 1990)

10.40.079 One-hour parking on Ocean Street.
There will be one-hour parking for the five parking spaces on each side of Ocean Street at its southern terminus adjacent to the Sculpture Park, excluding handicap spaces. (Ord. NS-191 § 1, 1992)

10.40.080 Angle parking.
In accordance with Section 10.40.025, and when signs or marking are in place giving notice thereof, drivers of vehicles may stand or park a vehicle only as indicated by such marks or signs on the following streets or portions thereof:
A. On both sides of State Street commencing at the intersection of State Street and Grand Avenue and extending northward 325 feet;
B. On both sides of State Street between the intersection of Carlsbad Village Drive and Grand Avenue;
C. Repealed by Ord. 3157 § 1;
D. On the south side of Grand Avenue from 150 west of Roosevelt Street to Harding Street;
E. On the north side of Grand Avenue from Jefferson Street to Hope Avenue;
F. On both sides of Grand Avenue from Ocean Street to Carlsbad Boulevard. (C.S. 029 § 1, 2009; Ord. NS-534 § 16, 2000; Ord. NS-119 § 1, 1990; Ord. 3157 § 1, 1983; Ord. 3126 § 1, 1981; Ord. 3063 §§ 2, 3; Ord. 3012 § 1; Ord. 3005 § 84)

10.40.081 Parking restricted on Camino Vida Roble.
There will be no parking on both sides of Camino Vida Roble from El Camino Real to Palomar Oaks Way, except for the easterly side of Camino Vida Roble from Palomar Airport Road to a point 100 feet south of Owens Avenue. (Ord. NS-217 § 1, 1992; Ord. NS-190 § 1, 1992)

10.40.082 Parking time limit on Oak Avenue.
There will be three-hour parking on each side of Oak Avenue from the railroad parking lot easterly to Roosevelt Street between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 1, 2000; Ord. NS-265 § 1, 1993)

10.40.083 Parking time limit on Bayshore Drive.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Bayshore Drive between the hours of 11:00 p.m. and 5:00 a.m., seven days a week. (Ord. NS-285 § 1, 1994)
10.40.084  **Parking time limit on Christiansen Way.**
A. There will be three-hour parking on each side of Christiansen Way from State Street westerly to the alley between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays.
B. There will be three-hour parking on the north side of Christiansen Way from a point 96 feet east of Carlsbad Boulevard to Washington Street between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-712 § 2, 2004; Ord. NS-525 § 2, 2000; Ord. NS-316 § 1, 1995)

**Article II. Stopping for Loading or Unloading**

10.40.085  **Authority to establish loading zones.**
A. The city traffic engineer is authorized to determine and to mark loading zones and passenger loading zones as follows:
   1. At any place in any business district;
   2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.
C. Loading zones shall be indicated by a yellow paint line stenciled with black letters, “LOADING ONLY,” upon the top of all curbs within such zones.
D. Passenger loading zones shall be indicated by a white line stenciled with black letters, “PASSENGER LOADING ONLY,” upon the top of all curbs within such zones. (Ord. 3005 § 68)

10.40.090  **Curb markings.**
A. The city traffic engineer is authorized, subject to the provisions and limitations of this chapter to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and such curb markings shall have the meanings as set forth in this section:
   1. Red means no stopping, standing or parking at any time except as permitted by the state Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone;
   2. Yellow means no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays, for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than 20 minutes;
   3. White means no stopping, standing or parking for any purpose other than loading or unloading of passengers which shall not exceed three minutes and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays, and except as follows:
      a. When such zone is in front of a hotel the restrictions shall apply at all times;
      b. When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed;
   4. Green means no standing or parking for longer than 20 minutes at any time between 7:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays.
B. When the city traffic engineer as authorized under this chapter has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section. (Ord. 3005 § 69)
10.40.095 Permit for loading or unloading at angle to curb.
The city traffic engineer is authorized to issue special permits to allow the backing of a vehicle to the curb for
the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such
permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the ve-
hicle and shall grant to such person the privilege as therein stated and authorized herein, and it is unlawful
for any permittee or other person to violate any of the special terms or conditions of any such permit. (Ord. 3005 § 60)

10.40.100 Effect of permission to load or unload.
A. Permission granted in this chapter to stop or stand a vehicle for purposes of loading or unloading of
materials shall apply only to commercial vehicles and shall not extend beyond the time necessary
therefor, and in no event for more than 20 minutes.
B. The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or
pickup of express and parcel post packages and United States mail.
C. Permission herein granted to stop or park for purposes of loading or unloading passengers shall in-
clude the loading or unloading of personal baggage, but shall not extend beyond the time necessary
therefor and in no event for more than three minutes.
D. Within the total time limits above specified the provisions of this section shall be enforced so as to ac-
commodate necessary and reasonable loading or unloading but without permitting abuse of the privi-
leges granted in this chapter. (Ord. 3005 § 70)

10.40.105 Standing for loading or unloading only.
No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading
or unloading passengers or material for such time as is permitted in Section 10.40.100. (Ord. 3005 § 71)

10.40.110 Standing in passenger loading zone.
No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the
loading or unloading of passengers for such time as is specified in Section 10.40.100. (Ord. 3005 § 72)

10.40.115 Standing in any alley.
No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons
or materials in any alley. (Ord. 3005 § 73)

10.40.120 Bus zones.
A. The city traffic engineer is authorized to establish bus zones opposite curb space for the loading and
unloading of buses of common carriers of passengers and to determine the location thereof subject to
the directives and limitations set forth in this chapter.
B. The word “bus” as used in this section means any motorbus, motor coach, trackless trolley coach or
passenger stage used as a common carrier of passengers.
C. No bus zone shall exceed 80 feet in length, except that when satisfactory evidence has been pre-
sented to the city traffic engineer showing the necessity therefor, the city traffic engineer may extend
bus zones not to exceed a total length of 125 feet.
D. Bus zones shall normally be established on the far side of an intersection.
E. No bus zone shall be established opposite and to the right of a safety zone.
F. The city traffic engineer shall paint a red line stenciled with white letters “NO STANDING,” together
with the words “BUS ZONE” upon the top or side of all curbs and places specified as a bus zone.
G. No person shall stop, stand or park any vehicle except a bus in a bus zone.
H. No person shall park a vehicle at any time upon the easterly side of Carlsbad Boulevard between the intersection of Carlsbad Village Drive and Carlsbad Boulevard to a point 60 feet south of Carlsbad Village Drive. This area shall be designated as “bus stop” and shall be used only for the loading and unloading of bus passengers. (Ord. NS-534 § 17, 2000; Ord. 3041 § 3; Ord. 3005 § 74)

Article III. Restricted or Prohibited Parking

10.40.125 Parking time limited in business districts.
When authorized signs are in place giving notice thereof no person shall stop, stand or park any vehicle within a business district between the hours of 7:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays, for a period of time longer than two hours.

No person shall stop, stand or park any vehicle for a period of time longer than two hours on both sides of Carlsbad Village Drive from the railroad crossing west to Carlsbad Boulevard; and from a point 60 feet south of Carlsbad Village Drive on the easterly side of Carlsbad Boulevard to the intersection of Carlsbad Boulevard and Lincoln Street, and 30 feet south on the easterly side of Lincoln Street. (Ord. NS-534 § 18, 2000; Ord. 3041 § 4; Ord. 3005 § 75)

10.40.126 Parking time limited in business district.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle within a business district between the hours of 7:00 a.m. and 6:00 p.m. of any day, for a period of time longer than two hours.

No person shall stop, stand or park any vehicle for a period of time longer than two hours on the westerly side of Carlsbad Boulevard between Grand Avenue and Carlsbad Village Drive. (Ord. NS-534 § 19, 2000; Ord. 3212 § 1, 1987)

10.40.127 Parking time limit on Ponto Drive (south).
A. There will be no parking on the west side of Ponto Drive from Avenida Encinas to its intersection with Carlsbad Boulevard.
B. When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle on Ponto Drive (south) from a point 266 feet south of Avenida Encinas and continuing northerly to its intersection with Carlsbad Boulevard between the hours of 11:00 p.m. and 5:00 a.m., seven days a week. (Ord. NS-539 § 1, 2000; Ord. NS-431 § 1, 1997)

10.40.128 Parking restricted on Cassia Road.
There will be no parking on each side of Cassia Road from Poinsettia Lane to its intersection with El Camino Real. (Ord. NS-831 § 1, 2007; Ord. NS-672 § 1, 2003)

10.40.129 Parking restricted on Afton Way.
There will be no parking on each side of Afton Way from Celinda Drive to its westerly terminus. (Ord. NS-884 § 1, 2008)

10.40.130 Overnight parking.
It is unlawful for any person to park or leave parked any automobile or other vehicle between the hours of 3:00 a.m. to 5:00 a.m. on the hereinafter described streets:
A. On State Street between Oak Avenue and Laguna Drive;
B. On Roosevelt Street between Oak Avenue and Grand Avenue;
C. On Carlsbad Boulevard between Grand Avenue and Carlsbad Village Drive;
D. On Grand Avenue between Roosevelt Street and Carlsbad Boulevard;
E. On Carlsbad Village Drive between U.S. Freeway 101 and Carlsbad Boulevard.

The traffic safety engineer and the maintenance director are instructed to erect signs giving notice of the provisions of this section. (Ord. NS-534 § 20, 2000; Ord. 1261 § 12, 1983; Ord. 3018 § 1)

10.40.131 Parking restricted on Camino de los Coches.
There will be no parking on the southerly side of Camino de los Coches from Rancho Santa Fe Road to its intersection with Maverick Way. (Ord. NS-895 § 1, 2008)

10.40.135 Parking prohibited at all times on certain streets.
When signs are erected giving notice thereof no person shall park a vehicle at any time upon the following streets:

A. On both sides of Garfield Street from the intersection of Garfield Street with Olive Avenue to the southerly terminus of Garfield Street;
B. On both sides of Harrison Street from the intersection of Chinquapin Avenue with Harrison Street to the intersection of Adams Street with Harrison Street. (Ord. 3041 § 5; Ord. 3030 § 1; Ord. 3005 § 76)

10.40.140 Parking prohibited on certain streets on Saturdays, Sundays and holidays.
When signs are erected giving notice thereof, it is unlawful for any person to park or leave parked any automobile or other vehicle on Saturdays, Sundays and holidays on the hereinafter described streets:

On both sides of Adams Street from the intersection of Adams Street with the Northwesterly Lot 6, Block “D” of Bella Vista Tract, easterly to the intersection of Adams Street with the center line of Lot 9, Block “D,” Bella Vista Tract. (Ord. 3019 § 1)

10.40.145 Parking space markings.
The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings where authorized parking is permitted.

When such parking space markings are placed in the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible. (Ord. 3005 § 77)

10.40.150 Parking restricted at certain times to facilitate street sweeping.
A. It is unlawful to park or leave parked any vehicle on any street or portion thereof during the hours and on the day or days of the month indicated on signs containing the words “NO PARKING,” which signs have been placed in appropriate locations designating the parking restriction pursuant to the provisions of this section.
B. When such markings or signs are in place, no person shall stop, stand or park a vehicle upon any street or highway in violation of the restrictions contained on said sign or markings.
C. The city traffic engineer is authorized to determine the locations of and to place and maintain, or cause to be placed and maintained, signs designating the hours during which, and day or days of the month on which, parking is prohibited in order to sweep city streets. In the event temporary signs are employed to prohibit parking on any street or highway or portion thereof pursuant to the foregoing, no vehicle parked in violation of the directions set forth on the temporary signs shall be removed unless such signs have been erected or placed on the street or portion thereof at least 72 hours prior to such removal.
D. Section 10.40.150(A) shall not apply to the parking or standing of commercial vehicles in a residential district making pickups or deliveries of goods, wares or merchandise from or to any building or struc-
ture located on the restricted street or highway, or for the purpose of delivering materials to be used in
the repair, alteration, remodeling or reconstruction of any building or structure for which a building per-
mit has previously been obtained. (Ord. NS-213 § 1, 1992)

10.40.151 Parking prohibited of unattached trailers or semi-trailers.
No person shall park an unattached trailer or semi-trailer upon any street or public place except for the pur-
pose of loading or unloading. (Ord. NS-261 § 1, 1993)

10.40.155 Parking time limit on Beech Avenue.
There will be three-hour parking on each side of Beech Avenue from Roosevelt Street to State Street be-
tween the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 3, 2000)

10.40.156 Parking time limit on Grand Avenue.
There will be three-hour parking on each side of Grand Avenue from Carlsbad Boulevard to the alley located
between Madison Street and Jefferson Street between the hours of 7:00 a.m. and 6:00 p.m. except for Sun-
days and holidays. (Ord. NS-525 § 4, 2000)

10.40.157 Parking time limit on Washington Street.
A. There will be three-hour parking on the west side of Washington Street from Grand Avenue to Beech
Avenue between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays.
B. There will be three-hour parking on the east side of Washington Street from Carlsbad Village Drive to
Grand Avenue between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord.
NS-525 § 5, 2000)

10.40.158 Parking time limit on State Street.
There will be three-hour parking on each side of State Street from Oak Avenue to Carlsbad Boulevard be-
tween the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-584 § 1, 2001; Ord.
NS-525 § 6, 2000)

10.40.159 Parking time limit on Roosevelt Street.
A. There will be three-hour parking on the west side of Roosevelt Street from Oak Avenue to Carlsbad
Village Drive between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays.
B. There will be three-hour parking on each side of Roosevelt Street from Carlsbad Village Drive to Beech
Avenue between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525
§ 7, 2000)

10.40.160 Parking time limit on Madison Street.
There will be three-hour parking on the west side of Madison Street from Grand Avenue to a point 50 feet
north of Arbuckle Place between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays.
(Ord. NS-525 § 8, 2000)

10.40.161 Parking time limit on Beech Avenue.
There will be three-hour parking on each side of Beech Avenue from State Street to Roosevelt Street be-
tween the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 9, 2000)
10.40.162 Parking time limit for parking lots at the Village Old Depot building.
There will be three-hour parking in the parking lots adjacent to the railroad tracks located between Carlsbad Village Drive and Grand Avenue both north and south of the Village Old Depot building between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 10, 2000)

10.40.163 Parking time limit for the parking lot located on the corner of Grand Avenue and State Street.
There will be three-hour parking in the parking lot located on the northwest corner of Grand Avenue and State Street between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 11, 2000)

10.40.164 Parking time limit on the access drive between Carlsbad Village Drive and Grand Avenue.
There will be three-hour parking on the west side of the access drive located easterly of the Village Old Depot building between Carlsbad Village Drive and Grand Avenue between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 12, 2000)

10.40.165 Parking time limit in the four parking spaces on the east side of the alley north of Christiansen Way.
There will be three-hour parking in the four parking spaces located on the east side of the alley north of Christiansen Way between the hours of 7:00 a.m. and 6:00 p.m. except for Sundays and holidays. (Ord. NS-525 § 13, 2000)

10.40.166 Parking time limit on a portion of Celinda Drive.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Celinda Drive from Carlsbad Village Drive to the south property line of 3481 Celinda Drive and 3482 Celinda Drive, seven days a week between the hours of midnight and 5:00 a.m. (Ord. NS-886 § 1, 2008)

10.40.167 Parking time limit on Kimberly Court.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Kimberly Court, seven days a week between the hours of midnight and 5:00 a.m. (Ord. NS-886 § 2, 2008)

10.40.168 Parking time limit on Shawn Court.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Shawn Court, seven days a week between the hours of midnight and 5:00 a.m. (Ord. NS-886 § 3, 2008)

10.40.169 Parking time limit on Dana Court.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Dana Court, seven days a week between the hours of midnight and 5:00 a.m. (Ord. NS-886 § 4, 2008)

10.40.170 Parking time limit on Paseo Descanso from Carrillo Way to Paseo Cerro.
When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on Paseo Descanso from Carrillo Way to Paseo Cerro, seven days a week, between the hours of 2:00 a.m. and 5:00 a.m. (Ord. CS-048 § 1, 2009)
10.40.171 Parking restricted on Van Allen Way.
There will be no parking on each side of Van Allen Way from Faraday Avenue to its northerly terminus. (CS-118, 2011)

10.40.180 Parking of oversized vehicles.
A. Definitions. For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. “Loading and unloading” shall mean actively moving items to or from an oversized vehicle including the activities required to prepare the vehicle for travel or storage.

2. “Out-of-town visitor” shall mean any person who does not reside in the City of Carlsbad, who is temporarily visiting as a guest of a resident of the city, and who has applied for and obtained an oversized vehicle overnight parking permit.

3. “Oversized vehicle” shall mean any motorized vehicle as defined of Section 670 of the Vehicle Code or combination of motorized vehicles and/or non-motorized vehicles or trailers that meets or exceeds 22 feet in length at any time or a combination of the two following criteria, exclusive of fixtures, accessories or property: seven feet in height and seven feet in width.

   a. To determine the height, width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments as allowed by Section 35109, 35110 or 35111 of the Vehicle Code as may be amended shall not be included.

   b. Oversized vehicle does not include pickup trucks, vans, or sport utility vehicles, which are less than 25 feet in length and eight feet in height.

4. “Resident” shall mean a person who customarily resides and maintains a place of abode or who owns land within the City of Carlsbad. It shall not mean a person who maintains an address at a post office box, mailbox drop, or who rents a room without it being the primary place of abode.

B. Overnight Parking Prohibition. No person shall stop, stand, park or leave standing any oversized vehicle on any public highway, street or city parking lot at any time between the hours of 2:00 a.m. and 5:00 a.m. unless otherwise authorized by this article.

C. Utility Connections Prohibited. No person shall permit, cause or allow any electrical, water, gas, telephone or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right-of-way including across or above any street or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public highway, street or city parking lot.

D. Overnight Parking Exceptions to Prohibitions. The provisions of Section 10.40.180(B) shall not apply to any of the following:

1. Oversized vehicles owned by a resident or out-of-town visitor displaying a permit for overnight parking issued by the city manager or designee in accordance with this article. The issuance of a permit shall not allow any other activity otherwise prohibited by law.

2. Oversized vehicles displaying a permit issued by the city manager to a hotel as defined in Carlsbad Municipal Code Section 21.04.185 or a motel as defined in Carlsbad Municipal Code Section 21.04.273 for the exclusive use of its registered guests.

3. Oversized vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for 24 consecutive hours where an oversized vehicle is left standing at the roadside because of mechanical breakdown or because of the driver’s physical incapacity to proceed.

4. Oversized vehicles belonging to federal, state or local authorities or public utilities that are temporarily parked while the operator of the oversized vehicle is conducting official business.
5. Oversized vehicles actively engaged in the loading and unloading and deliveries of person, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to any adjacent building or structure.

6. The prohibitions provided in this article shall not apply to the parking of any oversized vehicle during the pendency of any state of emergency declared to exist within the City of Carlsbad by the city council, city manager or governor.

E. Overnight Parking Permit Conditions. Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle registered to them adjacent to his or her residence. Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle belonging to an out-of-town visitor.

The city manager or designee may issue a permit for overnight parking of an oversized vehicle to any resident or out-of-town visitor subject to the following provisions:

1. The oversized vehicle shall be owned, leased, rented by, or registered to, a resident or out-of-town visitor.
2. The oversized vehicle shall park at the street curb immediately adjacent to the residence, or within 400 feet of that person's residence if this area is not available for parking due to curb configuration or codified parking restrictions.
3. The oversized vehicle overnight parking permit shall be prominently displayed in the lower driver's side of the windshield or the nearest window of the vehicle. The permit shall be clearly visible from the exterior of the oversized vehicle and shall not cover the vehicle identification number. Trailers shall display the permit on the side of the trailer so that the permit is visible from the street.
4. The oversized vehicle shall not be used for camping, lodging, residing or for accommodation purposes. Nothing in this section shall be construed to permit sleeping or camping in a vehicle as prohibited by the Carlsbad Municipal Code.
5. All oversized vehicle permit holders shall comply with the City of Carlsbad street sweeping parking regulations pursuant to Carlsbad Municipal Code Section 10.40.150.
6. The city manager or designee may deny or revoke an oversized vehicle overnight parking permit if, upon a review of the location where the oversized vehicle will be parked, the city manager or designee determines that it would create a traffic hazard or otherwise would adversely affect public safety, traffic flow or access.

F. Overnight Parking Permit Duration.

1. Each resident oversized vehicle overnight parking permit shall be valid for one year. A resident oversized vehicle permit allows a resident to park an oversized vehicle for four periods of up to 72 consecutive hours per calendar month. The oversized vehicle must be absent from the location authorized by Section 10.40.180(E)(2) for a minimum of 24 consecutive hours to be lawfully parked overnight at the location again.
2. Each oversized vehicle overnight parking permit issued to an out-of-town visitor shall be valid for a maximum of 72 hours.
3. No more than six out-of-town visitor permits shall be issued to a resident in a calendar year.

G. Fraudulent Permit Penalty. Every person who displays a fraudulent, forged, altered or counterfeit oversized vehicle parking permit or permit number is guilty of a misdemeanor.

H. Overnight Parking Permit Denial. The city may deny the issuance of an oversized vehicle overnight parking permit for up to one year if the city manager or designee finds that any of the following conditions exist:

1. The applicant or the person the applicant is visiting is not a bona fide resident.
2. The resident or out-of-town visitor guests of a resident have been issued two or more citations in
the same calendar year for either exceeding the allotted 72-hour permit time and/or parking
greater than 400 feet from the designated residence or land owned address.

3. The out-of-town visitor is not a guest of the resident applicant.

4. An owner of an oversized vehicle has procured any oversized vehicle parking permit through
fraud or misrepresentation, for example, the information submitted by the applicant is materially
false.

5. The hotel or motel establishment is issuing oversized vehicle permits to non-paying guests of the
commercial establishment and/or the guests are camping in the vehicle rather than residing in the
commercial establishment. (Ord. CS-204 § I, 2013)
Chapter 10.42

PARKING VIOLATION ENFORCEMENT

Sections:
10.42.010 Parking violation enforcement.
10.42.020 Special enforcement unit for disabled parking violations.

10.42.010 Parking violation enforcement.
A. Enforcement. Every police officer and every city employee charged with enforcement of the provisions of Chapter 10.40, 11.24 or 17.04 of this code relating to illegal parking, the provisions of the California Vehicle Code, and the other laws of the state applicable to parking violations within the city, shall have the duty, when any vehicle is illegally parked, to issue written notice of violation thereof stating the state vehicle license number, the registration expiration date, make and color of such vehicle, the time and date of such illegal parking, street location, a reference to the appropriate section of the code, a time and place for appearance by the registered owner to answer the notice, and the last four digits of the vehicle identification number, if that number is visible through the windshield. The notice shall be attached to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon the return of that person.

B. Fees. The parking penalties for parking violations under this chapter shall be established by resolution of the city council pursuant to Vehicle Code Section 40203.5.

C. Contesting Notices of Violations—Failure to Pay. The city council shall establish, by resolution, an administrative review process for contesting notices of parking violations, which complies with the requirements of the vehicle code.

Failure to pay the appropriate fee as provided herein shall result in the filing of an itemization of penalties, administrative and service fees for collection by the Department of Motor Vehicles with the registration of the vehicle pursuant to Vehicle Code Section 4760, or in a civil action against the registered owner if more than $400.00 in unpaid penalties and fees have accrued, or in any other action allowed by law. (Ord. NS-248 § 1, 1993; Ord. NS-181 § 1, 1991; Ord. 3195 § 1, 1985; Ord. 3167 § 1, 1984; Ord. 3150 § 1, 1982; Ord. 3144 § 1, 1982)

10.42.020 Special enforcement unit for disabled parking violations.
A special enforcement unit is established for the enforcement of violations of state and local disabled parking laws. The members of the special enforcement unit shall be volunteers of the police department and shall be designated by the chief of police, subject to the requirements of California Vehicle Code Section 22507.9. The chief of police shall also determine the equipment and uniforms to be issued to members of the unit, subject to the requirements of California Vehicle Code Section 22507.9.

Nothing in this section shall preclude city police officers or authorized city employees from engaging in similar enforcement activities. (Ord. NS-538 § 1, 2000)
Chapter 10.44

SPEED RESTRICTIONS

Sections:

10.44.010 Traffic signal timing.

Article I. Generally

10.44.020 Generally.
10.44.030 Carlsbad Boulevard.
10.44.040 Chestnut Avenue.
10.44.050 Jefferson Street.
10.44.060 El Camino Real.
10.44.070 La Costa Avenue.
10.44.080 Carlsbad Village Drive.
10.44.090 Alga Road.
10.44.100 Levante Street.
10.44.110 Paseo Del Norte.
10.44.120 Park Drive.
10.44.130 Marron Road.
10.44.140 Hosp Way.
10.44.150 Monroe Street.
10.44.160 Camino Vida Roble.
10.44.170 Palomar Airport Road.
10.44.190 Rancho Santa Fe Road.
10.44.200 Cadencia Street.
10.44.210 Alicante Road.
10.44.220 El Fuerte Street.
10.44.230 Yarrow Drive.
10.44.240 Melrose Drive.
10.44.250 Camino de las Ondas.
10.44.260 Eureka Place.
10.44.270 Pontiac Drive.
10.44.280 Avenida Encinas.
10.44.290 Hillside Drive.
10.44.300 Tamarack Avenue.
10.44.310 Pio Pico Drive.
10.44.320 Faraday Avenue.
10.44.330 Aviara Parkway.
10.44.340 Calle Barcelona.
10.44.350 College Boulevard.
10.44.360 Poinsettia Lane.
10.44.370 Car Country Drive.
10.44.380 Cannon Road.
10.44.390 Gibraltar Street.
10.44.400 Romeria Street.
10.44.410 Viejo Castilla Way.
10.44.420 Estrella De Mar.
10.44.430 Corintia Street.
10.44.440 Grand Avenue.
10.44.450 Rutherford Road.
Article I. Generally

10.44.010 Traffic signal timing.
The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof. (Ord. 3005 § 81)
Article II. Speed Limits

10.44.020 Generally.
It is determined upon the basis of an engineering and traffic investigation that the speeds hereinafter set forth upon the following streets or portions thereof would facilitate the orderly movement of vehicular traffic upon the streets hereinafter set forth. Accordingly, the prima facie speed limits are set forth upon such streets or portions thereof as follows. (Ord. 3063 § 2; Ord. 3060 § 1; Ord. 3044 § 1; Ord. 3027 § 2)

10.44.030 Carlsbad Boulevard.
A. Upon Carlsbad Boulevard from the north boundary of the city to its intersection with Mountain View Drive the prima facie speed limit shall be 35 miles per hour.
B. Upon Carlsbad Boulevard from its intersection with Mountain View Drive to its intersection with Tamarack Avenue, the prima facie speed limit shall be 30 miles per hour.
C. Upon Carlsbad Boulevard from its intersection with Tamarack Avenue to a point 1,400 feet south of the southerly boundary of the right-of-way of Manzano Drive, for both the southbound and northbound lanes, the prima facie speed limit shall be 35 miles per hour.
D. Upon the southbound lanes of Carlsbad Boulevard from a point 1,400 feet south of the southerly boundary of the right-of-way of Manzano Drive to Island Way, the prima facie speed limit shall be 35 miles per hour.
E. Upon the northbound lanes of Carlsbad Boulevard from a point 1,400 feet south of the southerly boundary of the right-of-way of Manzano Drive to Island Way, the prima facie speed limit shall be 50 miles per hour.
F. Upon Carlsbad Boulevard from Island Way to the south boundary of the city, the prima facie speed limit shall be 50 miles per hour. (Ord. NS-888 § 1, 2008; Ord. NS-362 § 1, 1996; Ord. NS-251 § 1, 1993; Ord. NS-85 § 1, 1989; Ord. 3115 § 1; Ord. 3063 § 1; Ord. 3044 § 1; Ord. 3027 § 2)

10.44.040 Chestnut Avenue.
A. Upon Chestnut Avenue from Pio Pico Drive to its intersection with El Camino Real, the prima facie speed limit shall be 30 miles per hour.
B. Upon Chestnut Avenue from El Camino Real to its intersection with Sierra Morena Avenue, the prima facie speed limit shall be 30 miles per hour. (Ord. CS-213, 2013; Ord. NS-649 § 1, 2002; Ord. 3104 § 1, 1976; Ord. 3077 §§ 1, 2, 1968; Ord. 3063 § 2; Ord. 3060 § 1; Ord. 3044 § 1; Ord. 3027 § 2)

10.44.050 Jefferson Street.
The prima facie speed limit on Jefferson Street from its intersection with Grand Avenue to the northerly city boundary is 35 miles per hour. (Ord. 3104 § 1, 1976; Ord. 3081 §§ 1, 2, 1970)

10.44.060 El Camino Real.
A. Upon El Camino Real from Hosp Way to the south city limit the prima facie speed limit shall be 55 miles per hour.
B. Upon El Camino Real from the north city limits to Hosp Way the prima facie speed limit shall be 35 miles per hour. (Ord. NS-359 § 1, 1996; Ord. NS-147 § 1, 1991; Ord. NS-116 § 1, 1990; Ord. 3192 § 1, 1985; Ord. 3104 § 1, 1976)
10.44.070 **La Costa Avenue.**
A. Upon La Costa Avenue from El Camino Real to a point 1,000 feet easterly the prima facie speed limit shall be 35 miles per hour.
B. Upon La Costa Avenue from a point 1,000 feet easterly of El Camino Real to its intersection with Rancho Santa Fe Road shall be 40 miles per hour.
C. Upon La Costa Avenue from Rancho Santa Fe Road to its intersection with Camino de los Coches shall be 45 miles per hour.
D. Upon La Costa Avenue from Interstate Highway 5 to its intersection with El Camino Real the prima facie speed limit shall be 55 miles per hour. (Ord. CS-165, 2011; Ord. NS-511 § 1, 1999; Ord. NS-368 § 1, 1996; Ord. NS-114 § 1, 1990; Ord. 3181, 1984; Ord. 3107, 1977)

10.44.080 **Carlsbad Village Drive.**
A. Upon Carlsbad Village Drive from Pio Pico Drive to its intersection with Highland Drive, the prima facie speed limit shall be 35 miles per hour.
B. Upon Carlsbad Village Drive from Highland Drive to its intersection with College Boulevard, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-680 § 1, 2003; Ord. NS-410 § 1, 1997; Ord. NS-3 § 1, 1988; Ord. 3197 § 1, 1986; Ord. 3108 § 1, 1977)

10.44.090 **Alga Road.**
Upon Alga Road from El Camino Real to its intersection with Melrose Drive the prima facie speed limit shall be 50 miles per hour. (Ord. NS-599 § 1, 2001; Ord. 3217 § 1, 1987; Ord. 3196 § 1, 1985; Ord. 3164 § 1, 1983; Ord. 3131 § 1, 1981)

10.44.100 **Levante Street.**
A. Upon Levante Street from Escenico Terrace east to its intersection with La Costa Avenue, the prima facie speed limit shall be 25 miles per hour.
B. Upon Levante Street from Escenico Terrace west to its intersection with El Camino Real, the prima facie speed limit shall be 35 miles per hour. (Ord. 3140 § 1, 1981)

10.44.110 **Paseo Del Norte.**
A. Upon Paseo Del Norte from Cannon Road to its intersection with Car Country Drive, the prima facie speed limit shall be 35 miles per hour.
B. Upon Paseo Del Norte from Car Country Drive to its intersection with Poinsettia Lane, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-309 § 1, 1995; Ord. 3171 § 1, 1984; Ord. 3147 § 1, 1982)

10.44.120 **Park Drive.**
Upon Park Drive from Hillside Drive to its intersection with Valencia Avenue, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-220 § 1, 1993; Ord. 3156 § 1, 1983)

10.44.130 **Marron Road.**
A. Upon Marron Road from 140 feet east of Avenida de Anita to its intersection with El Camino Real, the prima facie speed limit shall be 35 miles per hour.
B. Upon Marron Road from El Camino Real to the city limits at Highway 78, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-867 § 1, 2007; Ord. NS-821 § 1, 2006; Ord. 3162 § 1, 1983)
10.44.140 Hosp Way.
Upon Hosp Way from El Camino Real to its intersection with Monroe Street, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-202 § 1, 1992; Ord. 3163 § 1, 1983)

10.44.150 Monroe Street.
Upon Monroe Street from Carlsbad Village Drive to its intersection with Marron Road, the prima facie speed limit shall be 45 miles per hour. (Ord. NS-534 § 21, 2000; Ord. 3170 § 1, 1984)

10.44.160 Camino Vida Roble.
Upon Camino Vida Roble from Palomar Oaks Way to its intersection with El Camino Real the prima facie speed limit shall be 40 miles per hour. (Ord. NS-554 § 1, 2000; Ord. 3191 § 1, 1985; Ord. 3172 § 1, 1984)

10.44.170 Palomar Airport Road.
A. Upon Palomar Airport Road from Carlsbad Boulevard to its intersection with Paseo Del Norte, the prima facie speed limit shall be 35 miles per hour.
B. Upon Palomar Airport Road from Paseo Del Norte to its intersection with the Price Club signalized intersection (approximately 1,800 feet easterly), the prima facie speed limit shall be 45 miles per hour.
C. Upon Palomar Airport Road from the Price Club signalized intersection to the easterly city limit, the prima facie speed limit shall be 55 miles per hour. (Ord. NS-298 § 1, 1994; Ord. NS-222 § 1, 1993; Ord. NS-67 § 1, 1989; Ord. NS-47 § 1, 1988; Ord. 3169 § 1, 1984)

10.44.190 Rancho Santa Fe Road.
A. Upon Rancho Santa Fe Road from the north city limits to its intersection with La Costa Avenue, the prima facie speed limit shall be 55 miles per hour.
B. Upon Rancho Santa Fe Road from La Costa Avenue to its intersection with Olivenhain Road, the prima facie speed limit shall be 50 miles per hour.
C. Upon Rancho Santa Fe Road from Olivenhain Road to the south city limits, the prima facie speed limit shall be 45 miles per hour. (Ord. NS-820 § 1, 2006; Ord. NS-308 § 1, 1995; Ord. 3185 § 1, 1985)

10.44.200 Cadencia Street.
Upon Cadencia Street from Del Rey Avenue northerly to a point 500 feet west of Perdiz Street, the prima facie speed limit shall be 40 miles per hour. (Ord. CS-275, 2015; Ord. NS-7 § 1, 1988; Ord. 3201 § 1, 1986)

10.44.210 Alicante Road.
A. Upon Alicante Road from Alga Road to its intersection with Corte de la Vista, the prima facie speed limit shall be 40 miles per hour.
B. Upon Alicante Road from Alga Road to its intersection with Poinsettia Lane, the prima facie speed limit shall be 40 miles per hour.
C. Upon Alicante Road from Poinsettia Lane to its intersection with Gateway Road, the prima facie speed limit shall be 30 miles per hour. (Ord. CS-247, 2014; Ord. NS-865 § 1, 2007; Ord. NS-784 § 1, 2006; Ord. NS-594 § 1, 2001; Ord. 3203 § 1, 1986)

10.44.220 El Fuerte Street.
A. Upon El Fuerte Street from Corte De La Vista to its intersection with Alga Road, the prima facie speed limit shall be 35 miles per hour.
B. Upon El Fuerte Street from Alga Road to its intersection with Palomar Airport Road, the prima facie speed limit shall be 45 miles per hour.

C. Upon El Fuerte Street from Palomar Airport Road to its intersection with Faraday Avenue, the prima facie speed limit shall be 45 miles per hour. (Ord. CS-013 § 1, 2008; Ord. NS-829 § 1, 2007; Ord. 3204 § 1, 1986)

10.44.230 Yarrow Drive.
Upon Yarrow Drive from Palomar Airport Road to its intersection with Camino Vida Roble, the prima facie speed limit shall be 40 miles per hour. (Ord. 3211 § 1, 1987)

10.44.240 Melrose Drive.
Upon Melrose Drive from Rancho Santa Fe Road to the north city limit, the prima facie speed limit shall be 55 miles per hour. (Ord. NS-832 § 1, 2007; Ord. NS-465 § 2, 1998; Ord. 3218 § 1, 1987)

10.44.250 Camino de las Ondas.
Upon Camino de las Ondas from Paseo del Norte to its intersection with Aviara Parkway, the prima facie speed limit shall be 35 miles per hour. (Ord. CS-233 § 2, 2013; Ord. NS-436 § 1, 1997; Ord. 3221 § 1, 1987)

10.44.260 Eureka Place.
Upon Eureka Place from Chestnut Avenue to its intersection with Basswood Avenue, the prima facie speed limit will be 25 miles per hour. (Ord. 3220 § 1, 1987)

10.44.270 Pontiac Drive.
Upon Pontiac Drive from Tamarack Avenue to its intersection with Victoria Avenue, the prima facie speed limit shall be 35 miles per hour. (Ord. 3226 § 1, 1988)

10.44.280 Avenida Encinas.
A. Upon Avenida Encinas from Carlsbad Boulevard to a point 3,000 feet northerly of Poinsettia Lane, the prima facie speed limit shall be 35 miles per hour.

B. Upon Avenida Encinas from a point 3,000 feet northerly of Poinsettia Lane to a point 3,500 feet southerly of Palomar Airport Road, the prima facie speed limit shall be 30 miles per hour.

C. Upon Avenida Encinas from a point 3,500 feet southerly of Palomar Airport Road to its intersection with Palomar Airport Road, the prima facie speed limit shall be 40 miles per hour.

D. Upon Avenida Encinas from Palomar Airport Road to its intersection with Cannon Road, the prima facie speed limit shall be 40 miles per hour. (Ord. CS-233 § 1, 2013; Ord. CS-111 § 1, 2010; Ord. NS-648 § 1, 2002; Ord. NS-408 § 1, 1997; Ord. NS-306 § 1, 1995; Ord. NS-16 § 1, 1988)

10.44.290 Hillside Drive.
Upon Hillside Drive from Highland Drive to its intersection with Neblina Drive, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-644 § 1, 2002; Ord. NS-26 § 1, 1988)

10.44.300 Tamarack Avenue.
A. Upon Tamarack Avenue from Carlsbad Boulevard to its intersection with Interstate Highway 5, the prima facie speed limit shall be 30 miles per hour.

B. Upon Tamarack Avenue from Interstate Highway 5 to its intersection with Skyline Road, the prima facie speed limit shall be 30 miles per hour.
C. Upon Tamarack Avenue from Skyline Road to its intersection with El Camino Real, the prima facie speed limit shall be 35 miles per hour.
D. Upon Tamarack Avenue from El Camino Real to its intersection with Carlsbad Village Drive, the prima facie speed limit shall be 45 miles per hour.
E. Upon Tamarack Avenue from Carlsbad Village Drive to its intersection with College Boulevard, the prima facie speed limit shall be 35 miles per hour.
F. Upon Tamarack Avenue from College Boulevard (south) to its intersection with College Boulevard (north), the prima facie speed limit shall be 30 miles per hour. (Ord. NS-826 § 1, 2007; Ord. NS-706 § 1, 2004; Ord. NS-277 § 1, 1994; Ord. NS-267 § 1, 1994)

10.44.310 Pio Pico Drive.
Upon Pio Pico Drive from Tamarack Avenue to its intersection with Elm Avenue the prima facie speed limit shall be 35 miles per hour. (Ord. NS-34 § 1, 1988)

10.44.320 Faraday Avenue.
A. Upon Faraday Avenue from College Boulevard to its intersection with Orion Street, the prima facie speed limit shall be 40 miles per hour.
B. Upon Faraday Avenue from College Boulevard to Cannon Road, the prima facie speed limit shall be 40 miles per hour.
C. Upon Faraday Avenue from Orion Street to the east city limit, the prima facie speed limit shall be 50 miles per hour. (Ord. CS-103 § 1, 2010; Ord. CS-007 § 1, 2008; Ord. NS-583 § 1, 2001; Ord. NS-435 § 1, 1997; Ord. NS-357 § 1, 1996; Ord. NS-33 § 1, 1988)

10.44.330 Aviara Parkway.
A. Upon Aviara Parkway from Poinsettia Lane to its intersection with El Camino Real, the prima facie speed limit shall be 40 miles per hour.
B. Upon Aviara Parkway from Poinsettia Lane to its intersection with Palomar Airport Road, the prima facie speed limit shall be 45 miles per hour. (Ord. NS-581 § 1, 2002; Ord. NS-146 § 1, 1991)

10.44.340 Calle Barcelona.
A. Upon Calle Barcelona from El Camino Real to its intersection with Rancho Santa Fe Road, the prima facie speed limit shall be 45 miles per hour.
B. Upon Calle Barcelona from Rancho Santa Fe Road to its intersection with Calle Acervo, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-512 § 1, 1999; Ord. NS-331 § 1, 1995; Ord. NS-94 § 1, 1989)

10.44.350 College Boulevard.
A. Upon College Boulevard from Palomar Airport Road to its intersection with El Camino Real, the prima facie speed limit shall be 50 miles per hour.
B. Upon College Boulevard, from Cannon Road to the north city limit, the prima facie speed limit shall be 45 miles per hour. (Ord. NS-731 § 1, 2004; Ord. NS-578 § 1, 2001; Ord. NS-102 § 1, 1990)

10.44.360 Poinsettia Lane.
A. Upon Poinsettia Lane from Carlsbad Boulevard to its intersection with Paseo del Norte the prima facie speed limit shall be 35 miles per hour.
B. Upon Poinsettia Lane from Paseo del Norte to its intersection with Cassia Road the prima facie speed limit shall be 50 miles per hour.

C. Upon Poinsettia Lane from El Camino Real to its intersection with Melrose Drive the prima facie speed limit shall be 50 miles per hour. (Ord. CS-097 § 1, 2010; Ord. CS-033 § 1, 2009; Ord. NS-773 § 1, 2005; Ord. NS-523 § 1, 1999; Ord. NS-145 § 1, 1991)

10.44.370 Car Country Drive.
Upon Car Country Drive from Cannon Road to its intersection with Paseo Del Norte the prima facie speed limit shall be 35 miles per hour. (Ord. NS-162 § 1, 1991)

10.44.380 Cannon Road.
A. Upon Cannon Road from Carlsbad Boulevard to its intersection with Paseo del Norte, the prima facie speed limit shall be 35 miles per hour.
B. Upon Cannon Road from Paseo del Norte to its intersection with El Camino Real, the prima facie speed limit shall be 50 miles per hour.
C. Upon Cannon Road from El Camino Real to its intersection with College Boulevard, the prima facie speed limit shall be 50 miles per hour. (Ord. NS-732 § 1, 2004; Ord. NS-674 § 1, 2003; Ord. NS-564 § 1, 2000; Ord. NS-429 § 1, 1997; Ord. NS-187 § 1, 1991)

10.44.390 Gibraltar Street.
Upon Gibraltar Street from La Costa Avenue to its terminus 0.1 miles easterly of Romeria Street the prima facie speed limit shall be 25 miles per hour. (Ord. NS-215 § 1, 1992)

10.44.400 Romeria Street.
Upon Romeria Street from La Costa Avenue to its intersection with Gibraltar Street the prima facie speed limit shall be 25 miles per hour. (Ord. NS-215 § 1, 1992)

10.44.410 Viejo Castilla Way.
Upon Viejo Castilla Way from La Costa Avenue to its intersection with Navarra Drive the prima facie speed limit shall be 25 miles per hour. (Ord. NS-215 § 1, 1992)

10.44.420 Estrella De Mar.
Upon Estrella De Mar from Alga Road to its intersection with Costa Del Mar the prima facie speed limit shall be 25 miles per hour. (Ord. NS-215 § 1, 1992)

10.44.430 Corintia Street.
Upon Corintia Street from Alga Road to its intersection with Socorro Land the prima facie speed limit shall be 25 miles per hour. (Ord. NS-215 § 1, 1992)

10.44.440 Grand Avenue.
Upon Grand Avenue from Ocean Street to its terminus at Interstate Highway 5, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-252 § 1, 1993)

10.44.450 Rutherford Road.
Upon Rutherford Road from Faraday Avenue to its terminus at Priestly Drive, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-276 § 1, 1994)
10.44.460 **Loker Avenue West.**
Upon Loker Avenue West from Palomar Airport Road to its intersection with El Fuerte Street, the prima facie speed limit shall be 35 miles per hour. (Ord. CS-233 § 4, 2013; Ord. CS-140, 2011; Ord. NS-281 § 1, 1994)

10.44.470 **Loker Avenue East.**
Upon Loker Avenue East from El Fuerte Street to its intersection with Palomar Airport Road, the prima facie speed limit shall be 35 miles per hour. (Ord. CS-233 § 5, 2013; Ord. CS-140, 2011; Ord. NS-280 § 1, 1994)

10.44.480 **Chatham Road.**
Upon Chatham Road from Carlsbad Village Drive to its intersection with Tamarack Avenue, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-295 § 1, 1994)

10.44.490 **Xana Way.**
Upon Xana Way from Alga Road to its intersection with Unicornio Street, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-318 § 1, 1995)

10.44.500 **Camino De Los Coches.**
Upon Camino De Los Coches from Rancho Santa Fe Road to its intersection with La Costa Avenue, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-325 § 1, 1995)

10.44.510 **Calle Acervo.**
Upon Calle Acervo from Camino De Los Coches to its intersection with Rancho Santa Fe Road, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-404 § 1, 1997; Ord. NS-338 § 1, 1995)

10.44.520 **Batiquitos Drive.**
A. Upon Batiquitos Drive from Aviara Parkway to its intersection with Golden Star Lane, the prima facie speed limit shall be 40 miles per hour.
B. Upon Batiquitos Drive from Golden Star Lane to its intersection with Poinsettia Lane, the prima facie speed limit shall be 40 miles per hour.
C. Upon Batiquitos Drive from Poinsettia Lane to its intersection with Camino de las Ondas, the prima facie speed limit shall be 30 miles per hour. (Ord. CS-230, 2013; Ord. CS-108 § 1, 2010; Ord. NS-462 § 1, 1998; Ord. NS-419 § 1, 1997; Ord. NS-403 § 1, 1997)

10.44.530 **Kestrel Drive.**
Upon Kestrel Drive from Batiquitos Drive to its intersection with Aviara Parkway, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-652 § 1, 2002; Ord. NS-405 § 1, 1997)

10.44.540 **Armada Drive.**
Upon Armada Drive from Palomar Airport Road to its intersection with LEGOLAND Drive, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-866 § 1, 2007; Ord. NS-428 § 1, 1997)

10.44.550 **Paseo Candelero.**
Upon Paseo Candelero from Alicante Road to its intersection with Alga Road, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-443 § 1, 1998)
10.44.560  Las Flores Drive.
Upon Las Flores Drive from Jefferson Street to its intersection with Highland Drive, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-447 § 1, 1998)

10.44.570  Hidden Valley Road.
Upon Hidden Valley Road from Camino de las Ondas to its intersection with Palomar Airport Road, the prima facie speed limit shall be 35 miles per hour. (Ord. CS-233 § 3, 2013; Ord. NS-451 § 1, 1998)

10.44.580  Laguna Drive.
Upon Laguna Drive from State Street to its intersection with Jefferson Street, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-457 § 1, 1998)

10.44.590  Adams Street.
Upon Adams Street from Chinquapin Avenue to its intersection with Park Drive, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-493 § 1, 1999)

10.44.600  Jackspar Drive.
Upon Jackspar Drive from Camino Hills Drive to its intersection with El Camino Real, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-504 § 1, 1999)

10.44.610  Camino Hills Drive.
Upon Camino Hills Drive from Faraday Avenue to its intersection with Browning Road, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-503 § 1, 1999)

10.44.620  Calle Timiteo Drive.
Upon Calle Timiteo Drive from Camino de los Coches to its intersection with La Costa Avenue, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-513 § 1, 1999)

10.44.630  Anillo Way.
Upon Anillo Way from Levante Street to its intersection with Madrilena Way the prima facie speed limit shall be 35 miles per hour. (Ord. NS-522 § 1, 1999)

10.44.640  Paseo Aliso.
Upon Paseo Aliso from Olivenhain Road to its intersection with Camino Robledo the prima facie speed limit shall be 25 miles per hour. (Ord. NS-548 § 1, 2000)

10.44.650  Windrose Circle.
Upon Windrose Circle from Avenida Encinas to its intersection with Navigator Circle (S)/Capstan Drive the prima facie speed limit shall be 35 miles per hour. (Ord. NS-550 § 1, 2000)

10.44.660  Rancho Bravado.
Upon Rancho Bravado from Melrose Drive to its intersection with Paseo Monona, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-566 § 1, 2000)

10.44.670  Gabbiano Lane.
Upon Gabbiano Lane from Batiquitos Drive to its terminus, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-614 § 1, 2001)
10.44.680  **Black Rail Road.**
Upon Black Rail Road from Aviara Parkway to its intersection with Sapphire Drive, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-621 § 1, 2002)

10.44.690  **Ambrosia Lane.**
A.  Upon Ambrosia Lane from Aviara Parkway to its intersection with Conosa Way, the prima facie speed limit shall be 35 miles per hour.
B.  Upon Ambrosia Lane from Conosa Way to its intersection with Poinsettia Lane, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-628 § 1, 2002)

10.44.700  **Cassia Road.**
Upon Cassia Road from Poinsettia Lane to its intersection with El Camino Real, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-656 § 1, 2003)

10.44.710  **Woodstock Street.**
Upon Woodstock Street from Glasgow Drive to its intersection with Lancaster Road, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-695 § 1, 2004)

10.44.720  **Middleton Drive.**
Upon Middleton Drive from Glasgow Drive to its intersection with Woodstock Street, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-694 § 1, 2004)

10.44.730  **Paseo Acampo.**
Upon Paseo Acampo from Rancho Bravado to its intersection with Paseo Hermosa, the prima facie speed limit shall be 25 miles per hour. (Ord. NS-698 § 1, 2004)

10.44.740  **Paseo Avellano.**
Upon Paseo Avellano from Calle Barcelona to its intersection with Segovia Way, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-771 § 1, 2005)

10.44.750  **Glasgow Drive.**
Upon Glasgow Drive from Edinburgh Drive to its intersection with Carlsbad Village Drive, the prima facie speed limit shall be 30 miles per hour. (Ord. NS-795 § 1, 2006)

10.44.760  **Aston Avenue.**
Upon Aston Avenue from College Boulevard to its intersection with Rutherford Road, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-804 § 1, 2006)

10.44.770  **Camino Junipero.**
Upon Camino Junipero from Rancho Santa Fe Road to its intersection with Avenida Amapola, the prima facie speed limit shall be 45 miles per hour. (Ord. NS-812 § 1, 2006)

10.44.780  **Palomar Oaks Way.**
Upon Palomar Oaks Way from Palomar Airport Road to its northerly terminus, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-825 § 1, 2007)
10.44.790  **Dove Lane.**
Upon Dove Lane from Moorhen Place to its intersection with El Camino Real, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-845 § 1, 2007)

10.44.800  **Impala Drive.**
Upon Impala Drive from Palmer Way to Orion Street, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-854 § 1, 2007)

10.44.810  **Palmer Way.**
Upon Palmer Way from Faraday Avenue to Cougar Drive, the prima facie speed limit shall be 35 miles per hour. (Ord. NS-853 § 1, 2007)

10.44.820  **Town Garden Road.**
Upon Town Garden Road from El Camino Real to Alicante Road, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-857 § 1, 2007)

10.44.830  **Gateway Road.**
Upon Gateway Road from El Camino Real to its intersection with El Fuerte Street, the prima facie speed limit shall be 40 miles per hour. (Ord. NS-864 § 1, 2007)

10.44.840  **Eagle Drive.**
Upon Eagle Drive from Palomar Airport Road to its intersection with Lionshead Avenue, the prima facie speed limit shall be 35 miles per hour. (Ord. CS-006 § 1, 2008)

10.44.850  **Lionshead Avenue.**
Upon Lionshead Avenue from Melrose Drive to the east city limit, the prima facie speed limit shall be 50 miles per hour. (Ord. CS-008 § 1, 2008)

10.44.860  **The Crossings Drive.**
Upon The Crossings Drive from Palomar Airport Road to its northerly terminus, the prima facie speed limit shall be 40 miles per hour. (Ord. CS-014 § 1, 2008)

10.44.870  **Corte de la Vista.**
Upon Corte de la Vista from the Alicante Road/El Fuerte Street intersection to its terminus, the prima facie speed limit shall be 35 miles per hour. (Ord. CS-019 § 1, 2008)

10.44.871  **Hummingbird Road.**
Upon Hummingbird Road from Batiquitos Drive to Rock Dove Street, the prima facie speed limit shall be 30 miles per hour. (Ord. CS-267 § 1, 2015)
Chapter 10.48

TRAINS

Section:
  10.48.010 Not to block streets.

10.48.010 Not to block streets.
No person shall operate any train or train of cars, or permit the same to remain standing, so as to block the movement of traffic upon any street for a period of time longer than five minutes. (Ord. 3005 § 79)
Chapter 10.52

ABANDONED VEHICLES

Sections:
10.52.010 General—Definitions.
10.52.020 When chapter not applicable.
10.52.030 Intent of chapter.
10.52.040 Administration—Enforcement.
10.52.050 Franchises.
10.52.060 Administrative costs.
10.52.065 City manager—Authority to abate.
10.52.070 Notice.
10.52.080 Hearing notice to be given to highway patrol.
10.52.085 Request for hearing.
10.52.090 Hearing procedure—Determination.
10.52.100 Disposal of vehicle declared nuisance.
10.52.110 Notification to be given to Department of Motor Vehicles.
10.52.120 Nonpayment of removal costs—Assessment against land.
10.52.125 Summary abatement procedure.
10.52.130 Unlawful and an infraction to abandon, park, store or leave vehicle in excess of three days.
10.52.140 Unlawful and an infraction not to remove vehicle or abate nuisance.

10.52.010 General—Definitions.
A. In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is a public nuisance which may be abated as such in accordance with the provisions of this chapter.

B. As used in this chapter:
1. “Vehicle” means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
2. “Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes street.
3. “Public property” does not include “highway.”
4. “Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
5. “Owner of the vehicle” means the last registered owner and legal owner of record.
6. “City” means the City of Carlsbad. (Ord. 3101 § 1, 1975; Ord. 5042 § 1, 1968)
10.52.020 When chapter not applicable.
This chapter shall not apply to:
A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.
Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 commencing with Section 22650 of Division 11 of the Vehicle Code and this chapter. (Ord. 5042 § 2, 1968)

10.52.030 Intent of chapter.
This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction. (Ord. 5042 § 3, 1968)

10.52.040 Administration—Enforcement.
A. Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the city manager or some other regularly salaried full-time employee of the city designated by the city manager as his or her representative. The removal of vehicles or parts thereof from property may be by any duly authorized person. Any such authorized person may enter upon private property for the purposes specified in this chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this chapter.
B. Wherever the term “city manager” is used in this chapter, it includes any such person or public entity as the city council may, by resolution, designate. In accord with Section 22665 of the Vehicle Code, the city council may, by resolution, request the California Highway Patrol to administer this chapter. (Ord. 5052 § 1, 1977; Ord. 3101 § 1, 1975; Ord. 5042 § 4, 1967)

10.52.050 Franchises.
When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 5042 § 5, 1968)

10.52.060 Administrative costs.
The city council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this chapter. (Ord. 5042 § 6, 1968)

10.52.065 City manager—Authority to abate.
Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the city manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter. (Ord. 3101 § 2, 1975)

10.52.070 Notice.
A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the ve-
vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE
(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to ____________, license number ____________ which constitutes a public nuisance pursuant to the provisions of Chapter 10.52 of the Carlsbad Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Council within such 10-day period, the City Manager shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed ____________
(date)

s/ ___________________________
City Manager, City of Carlsbad.

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE
(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different.)

As last registered (and/or legal) owner of record of (description of vehicle—make, model, license, etc.) you are hereby notified that the undersigned has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 10.52 of the Carlsbad Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing...
hearing and if such a request is not received by the City Council within such 10-day period, the City Manager shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed ____________
(date)

s/ ___________________________
City Manager, City of Carlsbad.

(Ord. 3101 § 1, 1975; Ord. 5042 § 7, 1968)

10.52.080 Hearing notice to be given to highway patrol.
Notice of hearing shall also be given to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least 10 days prior to the public hearing. (Ord. 5042 § 8, 1968)

10.52.085 Request for hearing.
A. Upon request by the owner of the vehicle or owner of the land received by the city council within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

B. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within such 10-day period, the statement shall be construed as a request for a hearing which does not require the owner’s presence. Notice of the hearing shall be mailed, by registered or certified mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within 10 days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 3101 § 2, 1975)

10.52.090 Hearing procedure—Determination.
All hearings under this chapter shall be held before the city council which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or part thereof and the circumstances concerning its location on the said private property or public property. The city council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial.

The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the city council may find that a vehicle or part thereof has been abandoned, wrecked, or dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in Section 10.52.100, and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if available at the site.
If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that he or she has not subsequently acquiesced in its presence, the city council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

If an interested party makes a written presentation to the city council but does not appear, he or she shall be notified in writing of the decision. (Ord. 5042 § 9, 1968)

10.52.100 Disposal of vehicle declared nuisance.
Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, and five days from the date of mailing of the notice of the decision if such notice is required by Section 10.52.090, the vehicles or parts thereof may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local authority or any other final disposition consistent with Subsection (e) of Section 22661 of the Vehicle Code. After a vehicle has been removed it shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable. (Ord. 5052 § 1, 1977; Ord. 5042 § 10, 1968)

10.52.110 Notification to be given to Department of Motor Vehicles.
Within five days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 5042 § 11, 1968)

10.52.120 Nonpayment of removal costs—Assessment against land.
If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 10.52.090 are not paid within 30 days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes. (Ord. 5042 § 12, 1968)

10.52.125 Summary abatement procedure.
A. The notice of intention to abate and remove a vehicle or part thereof need not be given if:
   1. The vehicle or part thereof is located upon a parcel of land zoned for agricultural use or not improved with a residential structure containing one or more dwelling units; and
   2. The property owner and owner of the vehicle have signed releases authorizing removal and waiving any further interest in the vehicle or part thereof; or
   3. The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than $200.00 by a person designated by Section 22855 of the State Vehicle Code, is determined by the city council to be a public nuisance presenting an immediate threat to public health or safety, and the property owner has signed a release authorizing removal and waiving any further interest in the vehicle or part thereof. Prior to final disposition of the vehicle or part thereof, the city manager shall give the notice specified in Section 22661(c) of the State Vehicle Code.
B. If the owner of the property or vehicle desires a hearing pursuant to this chapter the request therefor shall be filed at the time of signing the release provided for in this section. (Ord. 3166 § 1, 1984)
10.52.130 Unlawful and an infraction to abandon, park, store or leave vehicle in excess of three days.
It is unlawful for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property within the city for a period in excess of three days, unless such vehicle or part thereof is completely enclosed within a building in a lawful manner, where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on a private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard. (Ord. NS-35 § 1, 1988; Ord. 5062 § 1, 1981)

10.52.140 Unlawful and an infraction not to remove vehicle or abate nuisance.
A. It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter, or state law where such state law is applicable.
B. Violations shall be punished according to the provisions of Section 1.08.010 of this code. (Ord. 5062 § 1, 1981)
Chapter 10.56

BICYCLES

Sections:

Article I. Generally

10.56.010 Riding on sidewalks and public facilities.
No person shall ride a bicycle upon any sidewalk, in any public drainage facility, culvert, ditch, or channel; or any other public athletic/sports courts, or gymnasiums in the city. Law enforcement personnel shall be exempt from the provision of this section when in the performance of their duties. (Ord. CS-139 § 1, 2011; Ord. NS-151 § 1, 1991; Ord. 3062 § 8)

10.56.030 Daily reports from secondhand bicycle dealers.
All persons engaged in the business of buying secondhand bicycles are required to make a daily report to the chief of police, giving name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof and the number of the license sticker found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are required to make a daily report to the chief of police, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof and the number of the license sticker attached thereto, if any. (Ord. 3062 § 4)

10.56.040 Impoundment.
The police department is authorized to direct or to remove and hold in the office of the police department all bicycles which are found being ridden or parked in violation of this chapter until determination of the penalty period. (Ord. 3064 § 3; Ord. 3062 § 11)

Article II. Licenses

10.56.060 Application—Term.
The city manager is authorized and directed to register and license bicycles in the city. The city manager or designated representative shall be the licensing agent for purposes of this chapter. A license shall be issued upon proper written application for a three-year term. Bicycle licenses shall be renewed uniformly throughout the city on January 1st of the third year following the year of registration, to begin January 1, 1979. The license, when issued, shall entitle the licensee to operate the licensed bicycle within the city as permitted by law. (Ord. 3111 § 1, 1979; Ord. 3100 § 1, 1974; Ord. 3097 § 1, 1973; Ord. 3064 § 1; Ord. 3062 § 1)
10.56.070  Fees.
The fees for bicycle registration and licenses shall be established by the city council by resolution. (Ord. NS-68 § 8, 1989; Ord. 3111 § 1, 1979; Ord. 3097 § 2, 1973; Ord. 3062 § 7)

10.56.080  Affixing license stickers to bicycles—Fire department records.
The city shall provide license stickers together with registration cards, such stickers and registration cards having numbers stamped thereon in numerical order and the letters CBL stamped thereon. Such stickers shall be suitable for attachment upon the frames of bicycles, and it shall be the duty of the licensing agent to attach one such sticker to the frame of each bicycle and to issue a corresponding registration card to the licensee upon the payment of the license fees provided for in this chapter. Such license sticker shall remain attached during the existence of such license. The licensing agent shall also keep a record of the date of issue of each license, to whom issued and the number thereof. (Ord. 3111 § 2, 1979; Ord. 3100 § 1, 1974; Ord. 3062 § 3)

10.56.100  Report of sale or transfer of bicycle—Return of registration card.
It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the licensing agent the registration card issued to such person as licensee thereof, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made within five days of the date of such sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within five days of such sale or transfer. (Ord. 3111 § 2, 1979; Ord. 3100 § 1, 1974; Ord. 3062 § 5)

10.56.110  Operation without license prohibited.
It is unlawful for any person to operate a bicycle upon the streets, alleys and public highways in the city without having first obtained a license therefor. (Ord. 3097 § 3, 1973)
Chapter 10.58

SKATEBOARDING, INLINE SKATES, ROLLER SKATES, TOY VEHICLE, COASTER, AND SIMILAR FORMS OF TRANSPORTATION*

Sections:
10.58.010 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited in commercial zone.
10.58.015 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited on school grounds.
10.58.020 Skateboarding, coaster, and similar forms of transportation prohibited in Carlsbad village area.
10.58.025 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited where posted.
10.58.030 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited at public buildings.
10.58.040 Prohibition for public drainage and sports facilities.
10.58.050 Interference with pedestrians and traffic.
10.58.060 Safety equipment required in skateboard parks.


10.58.010 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited in commercial zone.
It is unlawful for any person to ride a skateboard, inline skates, roller skates, toy vehicle, coaster or any other similar form of transportation on private property open to the public in a general commercial zone, a neighborhood commercial zone, or in a tourist commercial zone where signs prohibiting such activity are posted by the owner of the property. (Ord. CS-139 § 2, 2011)

10.58.015 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited on school grounds.
It is unlawful for any person to ride a skateboard, inline skates, roller skates, toy vehicle, coaster or any other similar form of transportation on public school property located within the City of Carlsbad when the school district has enacted a policy prohibiting such activities and posted signs on school grounds. (Ord. CS-139 § 2, 2011)

10.58.020 Skateboarding, coaster, and similar forms of transportation prohibited in Carlsbad village area.
It is unlawful for any person to ride a skateboard, coaster or any other similar form of transportation at the following locations:
On any sidewalk, public street, public parking lot or public property in the Carlsbad village area as shown on the map labeled Exhibit A and found on file in the city clerk’s office. (Ord. CS-139 § 2, 2011)

10.58.025 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited where posted.
Skateboarding, inline skates, roller skates, toy vehicles, coaster or any other similar form of transportation is prohibited on public real property where such prohibition is posted by signs. A list of locations where skateboarding, inline skates, roller skates, toy vehicles, coaster or any other similar form of transportation is
posted prohibited shall be on file in the city clerk’s office. The list may be amended from time to time by resolution of the city council. (Ord. CS-139 § 2, 2011)

10.58.030 Skateboarding, inline skates, roller skates, toy vehicle, coaster, and similar forms of transportation prohibited at public buildings.

It is unlawful for any person to ride a skateboard, inline skates, roller skates, toy vehicle, coaster or any other similar form of transportation at the Carlsbad City Hall, the senior center located at 801 Pine Avenue, the safety center, fire stations, libraries and their adjacent sidewalks, landscape barriers and parking lots. (Ord. CS-139 § 2, 2011)

10.58.040 Prohibition for public drainage and sports facilities.

No person shall ride a skateboard, inline skates, roller skates, coaster, toy vehicle or any other similar form of transportation in any public drainage facility, culvert, ditch, or channel; or any other athletic/sports courts, or gymnasiums. (Ord. CS-139 § 2, 2011)

10.58.050 Interference with pedestrians and traffic.

A. Any person upon a skateboard, inline skates, roller skates, toy vehicle, coaster or any other similar form of transportation or device, shall exercise due caution and shall yield the right-of-way to and not interfere with pedestrians on any sidewalk or public right-of-way.

B. No person shall ride skateboard, inline skates, roller skates, toy vehicle, coaster, or similar form of transportation on any public right-of-way in such a manner as to interfere with or prevent the lawful use of a public right-of-way by vehicular traffic. (Ord. CS-139 § 2, 2011)

10.58.060 Safety equipment required in skateboard parks.

It is unlawful for a person to ride anything other than a skateboard, roller skates, or inline skates in the city-owned skateboard park and to neglect to wear safety equipment including a helmet, elbow pads and knee pads where the requirement for wearing such safety equipment in the skateboard park is posted by a sign. (Ord. CS-139 § 2, 2011)
Title 11

PUBLIC PROPERTY

Chapters:
11.02 Lease of City Property
11.04 Streets and Sidewalks and Trails
11.08 Underground Utility Districts
11.12 Trees and Shrubs
11.16 Permits for Work or Encroachments in Public Places
11.24 Agua Hedionda Lagoon
11.28 Public Nudity
11.32 Parks and Beaches
11.36 Locations and Standards for Newsracks on Public Rights-of-Way
11.40 Bridges
11.44 Private Party Signs on City Property
Chapter 11.02

LEASE OF CITY PROPERTY

Section:

11.02.010 Long-term lease of city property.

11.02.010 Long-term lease of city property.
A. The city council may enter into a lease of city property for a term in excess of 55 years but not exceeding 99 years pursuant to the procedures set forth in this section. This section is enacted pursuant to California Government Code Section 37380 which allows a charter city to establish alternative procedures thereto and exempts the city from the provisions of subsections (b)(2), (b)(3) and (b)(4) thereof. Except with respect to leases in excess of 55 years, the provisions of this section shall not be deemed in any way to restrict the city’s authority to enter into other forms of leases.

B. A lease in excess of 55 years of property owned, held or controlled by the city, may be authorized by the city council in accordance with the following procedures:

1. Any lease entered into pursuant to this section shall be authorized by resolution of the city council.

2. The city shall not be required to engage in a competitive bid process for the award of such lease; provided, that at the time of adopting the resolution authorizing the lease the city council makes a determination that entering the lease without engaging in a competitive bid process is in the best interests of the city.

3. The city council shall make a finding that the long-term lease is in the best interests of the city for economic and/or other articulated considerations of public benefit.

4. Pursuant to California Government Code Section 37380(b)(1), the lease shall be subject to periodic review by the city and shall take into consideration the then market conditions. The city council hereby establishes that the lease provisions which will periodically be reviewed, at a minimum, shall be those provisions specifying the rent to be paid pursuant to the lease. The periodic reviews shall occur in accordance with a schedule to be contained in the lease and may include such other provisions as may be indicated by the city council at the time of authorizing the lease. The periodic review may be in the form of either an express review of the terms by the city council or its designee, or in the form of a procedure contained in the lease for automatic adjustments of the terms, or reappraisals, in response to market conditions, without the necessity of a discretionary review by a city officer. (Ord. CS-266 § 2, 2015)
Chapter 11.04

STREETS AND SIDEWALKS AND TRAILS

Sections:

11.04.010 Sidewalks to be installed noncontiguous to curb—Exception.
11.04.020 Sidewalk width requirements.
11.04.030 Street tree wells.
11.04.040 Appeal of transportation director’s determinations.
11.04.050 Delegation of acceptance authority for streets and public purpose dedication.
11.04.060 Delegation of acceptance authority for public trails.

11.04.010 Sidewalks to be installed noncontiguous to curb—Exception.
All sidewalks shall be installed noncontiguous to the curb on local residential streets and contiguous for collector streets and greater unless the city engineer, for good cause shown, shall allow its placement at another location. (Ord. NS-603 § 1, 2001; Ord. 8042 § 1)

11.04.020 Sidewalk width requirements.
Sidewalks shall be constructed for all new development in accordance with such city standards as the city council by resolution prescribes. (Ord. 1296 § 19, 1987; Ord. 8042 §§ 4, 5)

11.04.030 Street tree wells.
For good cause shown, the transportation director may require the placement of street tree wells in sidewalks of eight feet or greater in width. (Ord. CS-164 § 2, 2011; Ord. 8042 § 2)

11.04.040 Appeal of transportation director’s determinations.
In the event of a dispute regarding a decision of the transportation director on the location of the sidewalk or the placing of street tree wells, any aggrieved person may appeal to the city council by filing an appeal with the city clerk within 10 calendar days of the date of the written notice of the decision. Fees for filing an appeal under this section shall be established by resolution of the city council. The decision of the city council shall be final. (Ord. CS-164 § 2, 2011; Ord. NS-176 § 3, 1991; Ord. 8042 § 3)

11.04.050 Delegation of acceptance authority for streets and public purpose dedication.
Pursuant to Streets and Highways Code Section 1806, and Government Code Section 27281, the following officers are delegated the powers of the city council specified below with regard to the acceptance of privately constructed improvements in connection with a subdivision, and the acceptance and consent to recordation of deeds or grants conveying any interest in or easement upon real estate to the city for public purposes:

A. The city manager upon advice of the city attorney may approve the acceptance of easements and covenants for easement required as conditions of development if properly executed on a standard document approved as to form by the city attorney, as amended from time to time.

B. The city manager upon advice of the city attorney may approve the acceptance of deeds or grants conveying any other interest in or easement upon real properly to the city for public purposes, if such deeds or grants are recommended for approval by the transportation director and are properly executed on a standard document approved by the city attorney as to form, as amended from time to time.

C. The city manager is authorized to accept streets and roads of a subdivision to be formally accepted into the city street system on behalf of the city, following acceptance of the final subdivision map by the city council, and satisfactory completion of all subdivision public improvements or any other public improvements constructed by a developer as a condition of development by any provision of Title 18, 20,
or 21 of this code with the advice and consent of the city attorney, and upon the recommendation of the transportation director. This provision is not intended to and shall not modify or relieve any developer from liability for any and all defects found after the acceptance of improvements, in accordance with a subdivision improvement agreement or any other similar agreement. Following acceptance by the city manager, the transportation director shall cause any streets or roads so accepted to be entered into the inventory of city streets and roads. The city shall not be liable for any failure to maintain any street or road until such street or road has been accepted into the city’s street system.

D. The city clerk is authorized to accept and consent to recordation of easements, covenants of easements, and other deeds or grants conveying any interest in or easement upon real property to the city for public purposes following approval by the city manager and city attorney as set forth above in subsections A and B of this section. (Ord. CS-164 § 2, 2011; Ord. CS-149 § 2, 2011; Ord. NS-422 § 1, 1997)

11.04.060 Delegation of acceptance authority for public trails.

A. The city shall not be responsible for maintaining, nor shall it be liable for any failure to maintain any trail identified in the Open Space Conservation Resource Management Plan until it has been formally accepted into the Citywide Trail System by written instrument signed by the city manager or designee as a public trail and only if the acceptance specifies that the trail is to be maintained by the city.

B. Once a trail is accepted into the Citywide Trail System, whether it is to be maintained by the city or a private party or otherwise, the trail segment shall be designated on the Open Space Conservation Resource Management Plan in the city’s General Plan Circulation Element as completed, indicating its availability for public use.
Chapter 11.08

UNDERGROUND UTILITY DISTRICTS

Sections:
11.08.010 Definitions.
11.08.020 Public hearing by council.
11.08.030 Designation of underground utility districts by resolution.
11.08.040 Unlawful acts.
11.08.050 Exception—Emergency or unusual circumstances.
11.08.060 Other exceptions.
11.08.070 Notice to property owners and utility companies.
11.08.080 Responsibility of utility companies.
11.08.090 Responsibility of property owners.
11.08.100 Responsibility of city.
11.08.110 Extension of time.

11.08.010 Definitions.
Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

“Commission” means the Public Utilities Commission of the State of California;

“Poles, overhead wires and associated overhead structures” mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service;

“Underground utility district” or “district” means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 11.08.030;

“Utility” includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 7037 § 1, 1968)

11.08.020 Public hearing by council.
The council may from time to time call public hearings to ascertain whether the public health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 15 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 1296 § 20, 1987; Ord. 7037 § 2, 1968)

11.08.030 Designation of underground utility districts by resolution.
If after the public hearing the city council determines that the city or a public utility has agreed to pay over 50% of all costs of conversion, excluding costs of users’ connections to underground electric or communication facilities and that the public health, safety and welfare requires such removal and underground installation, the city council may by resolution declare the area an underground utility district and order the work. Such resolution shall include a description of the area comprising such district and shall provide that the council shall fix by subsequent resolution, the time within which such removal and underground installation shall be accomplished, having due regard for the availability of labor, materials and equipment necessary for
such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 1296 § 21, 1987; Ord. 7042 § 1, 1973; Ord. 7037 § 3, 1968)

11.08.040 Unlawful acts.
Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 11.08.030, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 11.08.090, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. (Ord. 7037 § 4, 1968)

11.08.050 Exception—Emergency or unusual circumstances.
Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed 30 days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 7037 § 5, 1968)

11.08.060 Other exceptions.
Any resolution adopted pursuant to Section 11.08.030, shall not apply to any of the following types of facilities, unless otherwise provided for in such resolution:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the transportation director;
B. Poles, or electroliers used exclusively for street lighting;
C. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;
D. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;
E. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
F. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects;
G. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
H. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
I. New or existing anchor poles and guy wires within the district necessary to support overhead facilities outside the district. (Ord. CS-164 § 2, 2011; Ord. 7042 § 1, 1973; Ord. 7037 § 6, 1968)
Notice to property owners and utility companies.
Within 10 days after the effective date of a resolution adopted pursuant to Section 11.08.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 11.08.030, together with a copy of the ordinance codified in this chapter to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 7037 § 7, 1968)

Responsibility of utility companies.
If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 11.08.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 7037 § 8, 1968)

Responsibility of property owners.
A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his or her property between the facilities referred to in Section 11.08.080 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section 11.08.030, the city engineer shall post written notice on the property being served and 30 days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

C. In addition to the provisions of subsection B above, upon direction by the city council, the engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after receipt of such notice.

D. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner’s name appears, and must be addressed to such owner’s last known address as the same appears on the last equalized assessment roll, and when no address appears, to “General Delivery, City of Carlsbad.” If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place on the premises.

E. The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed within 30 days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will become a lien upon the property benefited.
F. Upon completion of the work by the city engineer, the city engineer shall file a written report with the city council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to become a lien. The council shall thereupon fix a time and place for hearing protests against the cost of such work upon such premises, which said time shall not be less than 10 days thereafter.

G. The city engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests. Such notice shall also set forth the amount of the proposed lien.

H. Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the lien.

I. If these costs are not paid within five days after their confirmation by the city council, they shall become a lien upon the real property as described by the city engineer, and the city engineer is directed to turn over to the assessor and tax collector a notice of lien on each of the properties on which these costs have not been paid, and the assessor and tax collector shall add the amount of these costs to the next regular bill for taxes levied against the premises for which the work has been performed and has not been paid. These costs shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per year.

(Ord. NS-391 §§ 1—5, 1997; Ord. 7037 § 9, 1968)

11.08.100 Responsibility of city.
The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 11.08.030. (Ord. 7037 § 10, 1968)

11.08.110 Extension of time.
In the event that any act required by this chapter or by a resolution adopted pursuant to Section 11.08.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 7037 § 11, 1968)
Chapter 11.12

TREES AND SHRUBS

Sections:
11.12.010 Purpose and intent.
11.12.030 Jurisdiction of parks and recreation department.
11.12.040 Master tree list.
11.12.050 Street tree planting and maintenance procedures.
11.12.060 Approval prior to planting.
11.12.070 Street tree maintenance.
11.12.080 Protection of trees.
11.12.090 Permits required for tree removal and maintenance.
11.12.100 Tree replacement.
11.12.110 Overhanging trees.
11.12.120 Uniform street planting map.
11.12.130 Community forest management plan.
11.12.140 Heritage trees.
11.12.150 Appeals.
11.12.160 Violation.

11.12.010 Purpose and intent.
The public interest and welfare require that the city establish, adopt and maintain a comprehensive program for installing, maintaining and preserving trees within the city.

This chapter establishes policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to beautify the city, to purify the air, to provide shade and wind protection, and to preserve trees with historic or unusual value.

It is the policy of the city to line its streets with trees and to conduct a consistent and adequate program for maintaining and preserving these trees. It is the goal of this policy to provide for planting trees in all areas of the city and for selecting appropriate species to achieve as much beauty and economy as possible. It is also the policy of the city to protect and preserve all desirable trees that are located on the city’s right-of-way.

It is the policy of the city to encourage new tree planting on public and private property and to cultivate a flourishing urban forest. (Ord. NS-545 § 2, 2000)

For purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is obvious from the context that another meaning is intended:

“Certified arborist” means an arborist certified by the International Society of Arboriculture.

“Community forest management plan” means a document that contains goals and policies that will guide the city in its actions and decisions affecting trees within the city limits.

“Hazardous tree” means any tree or tree condition which represents a danger to persons, property or other healthy trees.

“Heritage tree” means any tree existing within the city limits which has been so designated by resolution by the city council. Heritage trees shall be trees with notable historic interest or trees of an unusual species or size.

“Maintain” or “maintenance” means the entire care of trees including ground preparation, fertilizing, mulching, trimming and watering.
“Plant” means an herb that lacks a permanent woody stem.

“Shrub” means a low woody plant having several stems and a trunk less than three inches in diameter at a height less than four and half feet above the ground.

“Tree” means any perennial woody plant having a trunk at least three inches in diameter at a height four and one-half feet above the ground. This definition shall include any tree planted by or required to be planted by the city which will attain the stated size and maturity.

“Tree service life” means the number of years that the tree provides the most benefits with the least amount of costs.

“Valid tree site” means a tree site in that area of the public right-of-way where a tree can be planted. The requirement shall be one tree per residence or 40 feet between trees for a large tree site, 30 feet for a medium tree site and 20 feet for a small tree site. All tree sites beneath a high voltage electrical line shall be considered a small tree site. Tree sites shall be planted with a large, medium or small tree listed and approved by the city. (Ord. NS-545 § 2, 2000)

11.12.030 Jurisdiction of parks and recreation department.
The city manager, acting through the parks and recreation director or designee, shall exercise exclusive jurisdiction and control over the planting, maintenance, removal and replacement of trees, shrubs or plants in all streets, sidewalks, medians or other public rights-of-way of the city, and shall have such power, authority, jurisdiction and duties as are prescribed in this chapter. (Ord. CS-164 § 8, 2011; Ord. CS-072 § 2, 2009; Ord. NS-747 § 1, 2005; Ord. NS-545 § 2, 2000)

11.12.040 Master tree list.
The city manager, acting through the parks and recreation director or designee, shall develop and maintain a master tree list, which shall be adopted by resolution of the city council and shall be on file in the office of the city clerk. These documents shall specify the species of trees suitable and desirable for planting in certain areas in order to establish a wide ranging urban forest. (Ord. CS-072 § 2, 2009; Ord. NS-545 § 2, 2000)

11.12.050 Street tree planting and maintenance procedures.
The city manager, acting through the parks and recreation director or designee, shall develop and implement policies and standards for street tree planting and maintenance required of all tree planting and maintenance throughout the city. (Ord. CS-072 § 2, 2009; Ord. NS-747 § 2, 2005; Ord. NS-545 § 2, 2000)

11.12.060 Approval prior to planting.
No tree, shrub or plant shall be planted in any street, sidewalk, median or other public right-of-way of the city until the city manager, acting through the parks and recreation director or designee, first approves the kind and variety, designates the location therefor and grants the permit for planting. (Ord. CS-072 § 2, 2009; Ord. NS-545 § 2, 2000)

11.12.070 Street tree maintenance.
It shall be the obligation of the city manager, acting through the parks and recreation director or designee, to assign appropriate scheduled tree, shrub or plant maintenance, including but not limited to pruning, fertilization, irrigation and pest control based on age, species, size and location to assure the proper maintenance of all street trees, shrubs or plants. (Ord. CS-072 § 2, 2009; Ord. NS-545 § 2, 2000)

11.12.080 Protection of trees.
A. No person shall remove, trim, prune or cut any street tree, shrub or plant now or hereafter growing in any street, sidewalk, median or other public right-of-way of the city.
B. No person shall remove, injure or misuse any guard or device placed to protect any tree, shrub or plant now or hereafter growing in any street, sidewalk, median or other public right-of-way of the city.

C. No person shall hitch or fasten any kind of animal to any tree, shrub or plant now or hereafter growing in any street, sidewalk, median or other public right-of-way of the city; nor shall any person place a post for hitching of animals within five feet of any tree, shrub or plant now or hereafter growing in any street, sidewalk, median or other public right-of-way of the city.

D. No person shall trim, cut, prune, injure or remove by any means any tree, shrub or plant growing in any street, sidewalk, median or other public right-of-way of the city.

E. No person shall:
   1. Construct a concrete, asphalt, brick or gravel sidewalk, or otherwise fill up the ground area near any tree, shrub or plant growing in any street, sidewalk, median or other public right-of-way of the city, to shut off air, light or water from the roots, except under written authority from the city manager, acting through the parks and recreation director or designee;
   2. Place building material, equipment or other substances likely to cause injury to a tree near any tree, shrub or plant growing in any street, sidewalk, median or other public right-of-way of the city, which might cause injury to the tree;
   3. Post any sign on any tree that is not scheduled for removal as described in Section 11.12.090 of this chapter, tree-stake or guard, or fasten any electric wire, insulator or any other device for holding electric, telephone, television or conductor wires to any tree, shrub or plant now or hereafter growing in any street, sidewalk, median or other public right-of-way of the city.

F. No person shall interfere, or cause any other person to interfere, with employees of the city, or contractors employed by the city, who are engaged in planting, maintaining, treating, removing or replacing any street tree, shrub or plant or removing or replacing any material which is likely to cause injury to the tree, shrub or plant.

G. No person shall plant any street tree, shrub or plant except according to policies, regulations and specifications established pursuant to this chapter or any currently applicable ordinances or code sections. (Ord. CS-072 § 2, 2009; NS-747 §§ 3, 4, 2005; Ord. NS-545 § 2, 2000)

11.12.090 Permits required for tree removal and maintenance.
A. Policy. The city values trees as an important part of the environment and shall strive to preserve them whenever possible and feasible. When reviewing requests for a street tree removal permit, the city shall discourage removing desirable trees, and shall consider approving removal of desirable trees only as a last resort alternative for the applicant.

B. Permits for Removal or Maintenance. Except as otherwise provided in this chapter, pruning, cutting, trimming or removing any street tree in the city shall require a permit issued by the city manager, acting through the parks and recreation director or designee.

C. Review of the application to remove a tree shall proceed as follows:
   1. A city arborist shall inspect the property and recommend approving or denying the application in a written report submitted to the city manager, acting through the parks and recreation director or designee.
   2. The city arborist may authorize a tree’s removal after finding either of the following circumstances:
      a. The tree is a hazard to life or property, and removing it is the only feasible way to eliminate the hazard;
      b. The tree is dead, dying, diseased or damaged beyond reclamation.
   3. If the city arborist does not find either of the above circumstances for removing a tree, a priority rating depending on the following factors can be considered for a tree removal.
a. Service life;
b. Damage to utilities and/or sewer lines;
c. Damage to hardscape;
d. Conformity of the existing tree to recommended species list.

The highest priority removal shall be given to trees meeting all four factors. The second priority
will be given to trees meeting three factors, etc.

4. If the city arborist has recommended denying the application, the applicant may request the parks
and recreation commission to review the arborist’s decision.

5. If the parks and recreation commission concurs with the city arborist’s recommendation to deny
the application, the applicant may request the city council to review the matter for final action.

D. All tree removal, whether by city or applicant, shall include the removal of the stump and the removal of
all stump grinding chips and the backfilling of the hole created by stump removal with a good quality
top soil suitable for the replanting of a replacement tree.

E. Notification of Tree Removal.

1. The city shall post a letter of notification and a non-removable marking upon the subject tree a
minimum of 30 days prior to its removal. The letter will be posted in a prominent location, visible
from a public street and will include, but not be limited to the following information:

a. The location of the tree;
b. The reason for the tree’s removal;
c. The date of the scheduled removal;
d. The species of tree to be replanted;
e. The size of the tree to be replanted;
f. The date by which an appeal must be made to the parks and recreation commission;
g. A description of the appeal process.

2. The letter of notification shall also be given to the owner of the property where the tree is sched-
uled be removed, and to the adjacent property owners, as well as to the property owners directly
opposite and to the owners of the properties adjacent to the opposite property.

3. The city manager, acting through the parks and recreation director or designee, may waive notifi-
cation requirements for a tree removal in either of the following circumstances:

a. When the city manager, acting through the parks and recreation director or designee deter-
mines that a tree’s condition threatens public health, safety or welfare;
b. When local, state or federal authorities have declared a state of emergency and a tree’s
condition threatens public health, safety or welfare.

F. No heritage tree shall be removed except if it is determined by a city arborist that such a tree is creat-
ing a hazard to life or property, or by formal appeals process. (Ord. CS-072 §§ 2, 4, 2009; NS-747 § 5,
2005; Ord. NS-545 § 2, 2000)

11.12.100 Tree replacement.

A. It shall be the goal of the city to replace all removed street trees within 45 days of their removal if the
tree site meets the minimum specifications for a valid tree site.

B. All removed trees shall be replaced with a tree of the same species as removed, except where the re-
moved species does not conform to the recommended species approved by the city, or the conditions
existing at the valid site. No tree shall be planted into the public right-of-way that does not comply with
the uniform street planting map as described in Section 11.12.120 of this chapter.
11.12.110

C. Trees that are touching or nearly touching high-voltage utility lines shall be replaced with a recommended species.

D. All tree replanting shall be with a minimum 15-gallon container tree, except when a person agrees to pay the difference in cost of a larger replacement tree size and any additional costs associated with the planting of a larger tree.

E. A person may request replacement of a street tree species specified in the uniform street planting map with another species only when there is a medical allergy certified by a medical doctor. The replacement tree will be approved by the city arborist and the city manager, acting through the parks and recreation director or designee. All trees removed for this reason must be replaced with a tree listed as an approved species by the city. (Ord. CS-072 § 2, 2009; Ord. NS-545 § 2, 2000)

11.12.110 Overhanging trees.
The owner or his/her agent of every lot or parcel of land in the city upon which any trees, shrubs or plants are now or may be hereafter standing shall trim, or cause to be trimmed, the branches thereof so that the same shall not obstruct the adequate passage of light from any street light located in any street, sidewalk, median or other public right-of-way of the city and such owner or his/her agent shall trim all branches of any trees, shrubs or plants which overhang any street, sidewalk, median or other public right-of-way of the city so that there shall be a clear height of eight feet above the surface of the street, sidewalk, median or other public right-of-way of the city unobstructed by branches; and such owner or his/her agent shall remove from such trees, shrubs or plants all dead, decayed or broken limbs or branches that overhang such street, sidewalk, median or other public right-of-way of the city, and when any such trees, shrubs or plants are dead, such owner or his/her agent shall remove the same so that they shall not fall in the street, sidewalk, median or other public right-of-way of the city. (Ord. NS-545 § 2, 2000)

11.12.120 Uniform street planting map.
Upon the recommendation of the parks and recreation commission, the city council shall adopt a uniform street tree planting map that will depict a uniform method of tree plantings on city streets. The city manager, acting through the parks and recreation director or designee, shall have copies of this map made and the same shall be kept on file in the office of the city clerk and may be obtained by the public. (Ord. CS-072 § 2, 2009; Ord. NS-545 § 2, 2000)

11.12.130 Community forest management plan.
A. Upon the recommendation of the parks and recreation commission, the city council shall adopt a community forest management plan that provides direction to develop goals and policies that will guide the city to manage tree-related issues in a proactive manner. The plan will address trees on public property and will discuss planting, removal, replacement, maintenance and the preservation of trees growing on any public property or in any street, sidewalk, median or other public right-of-way of the city.

B. When the management plan in its original or modified form is adopted by the city council, it shall become the tree planting plan for public streets of the city and shall be strictly adhered to in all future street planting improvement projects and in the removal, replacement and maintenance of trees, shrubs or plants in public streets in the city. The management plan for the entire city does not need to be adopted by the city council at one time. Instead, council may adopt the community forest management plan for different portions of the city within a reasonable length of time after the completed plan for any particular portion of the city has been submitted to the city council for adoption.

C. The city manager, acting through the parks and recreation director or designee, shall have copies of this plan made and the same shall be kept on file in the office of the city clerk and may be obtained by the public. (Ord. CS-072 § 2, 2009; Ord. NS-545 § 2, 2000)
11.12.140  Heritage trees.
The city council recognizes the important role trees have played in the history and development of Carlsbad and recognizes that a wide variety of trees can grow in its unique and temperate climate. The city may officially designate as heritage trees those trees in the community which have significant historical or arboricultural interest. It is the policy of the city council that all designated heritage trees that are on public streets shall be protected. (Ord. NS-545 § 2, 2000)

11.12.150  Appeals.
A. Any person may request a formal appeal to the parks and recreation commission within 30 calendar days of the posting of a city tree for:
   1. The location or species of any street tree selected by the city for planting at a specific location; and/or
   2. The city arborist’s recommendation for the removal of any nonhazardous street tree.
B. Any person may request a formal appeal to the parks and recreation commission for:
   1. The removal of a street tree which is not dead, dying or diseased; and/or
   2. The removal of a street tree that is listed as a heritage tree; and/or
   3. The removal of a street tree that is causing damage to hardscape or for the cause of routing underground or overhead utilities.
C. If the parks and recreation commission denies an applicant’s appeal, the applicant may request a final appeal to the city council within 10 calendar days of the commission’s decision.
D. Fees for an appeal shall be determined by resolution of the city council.
E. Appeals will be made by submitting a tree appeal form available from the office of the city clerk. (Ord. CS-072 § 3, 2009; Ord. NS-545 § 2, 2000)

11.12.160  Violation.
A. A violation of this chapter may be prosecuted either as a misdemeanor or an infraction pursuant to the provisions of Chapter 1.08, Section 1.08.010 of this code. The city attorney shall have the discretion to reduce to an infraction any act made unlawful pursuant to this chapter if such reduction is warranted in the interest of justice.
B. In addition to any criminal penalty, the city may, pursuant to Government Code Section 36901, impose a civil penalty for any violation of this chapter in an amount not to exceed $1,000.00.
C. In addition to any other remedy provided by this code, any provision of this code may be enforced by civil action and an injunction; any violation of this code may result in civil penalties, monetary damages, attorney’s fees, and investigatory costs. (Ord. CS-072 § 5, 2009; Ord. NS-762 § 1, 2005; Ord. NS-545 § 2, 2000)
Chapter 11.16

PERMITS FOR WORK OR ENCROACHMENTS IN PUBLIC PLACES

Sections:
11.16.010 Title.
11.16.020 Definitions.
11.16.030 City engineer’s authority and responsibilities.
11.16.050 Permits—Required.
11.16.060 Permits—Application.
11.16.080 Permits—Commencement and completion of work.
11.16.090 Permits—Requirements for performance of work.
11.16.100 Permits—Acceptance of work.
11.16.110 Permits—Denial and revocation.
11.16.120 Appeal procedure.
11.16.130 Right-of-way permit fees.
11.16.140 Performance deposits.
11.16.145 Improvement plans.
11.16.146 Improvement plan security.
11.16.150 Placement of materials or obstruction of streets.
11.16.160 Holding city harmless—Insurance.
11.16.170 Exemptions.

11.16.010 Title.
The ordinance codified in this chapter may be cited as the “Right-of-Way Permit Ordinance.” (Ord. NS-386 § 2, 1996)

11.16.020 Definitions.
For the purpose of this chapter, the following words, terms and phrases shall have the following meanings as set out in this section:

“City engineer” means the city engineer of the City of Carlsbad or designated representative.

“Encroachment” means and includes any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building, or any structure or object of any kind or character not particularly mentioned in this definition, which is placed in, under or over any portion of a public place.

“Facility” means any street, highway, curb, gutter, fencing, pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other material structure or object of any kind or character, whether enumerated in this definition or not which is constructed, left, placed or maintained in, upon, along, across, under or over any public place.

“Improvement plans” means the construction plans, prepared by a civil engineer, in accordance with city standards for the purpose of describing a public improvement to be constructed, repaired, rehabilitated and/or otherwise installed in a public place. The term may also be used to mean the construction plans, prepared by a civil engineer, in accordance with city standards for the purpose of describing a private improvement to be constructed, repaired, rehabilitated and/or otherwise installed on private property or in a public easement or right-of-way.

“Plans” means the document developed and approved by the city engineer describing the nature and extent of works proposed to be constructed or carried out on a public place.
“Public place” means any public street, highway, way, place, alley, sidewalk, easement, right-of-way, park, square, plaza or other similar public property owned or controlled by the city and dedicated to public use.

“Specification” means the Standard Specifications for Public Works Construction (current edition including supplements) written and promulgated by Southern California Chapter American Public Works Association and Southern California District Associated General Contractors or California Joint Cooperative Committee and published by Building News Incorporated, or such other specifications noted on approved plans.

“Standard drawings” means the “standard drawings” of the City of Carlsbad, adopted and revised by the city engineer and the most recently adopted San Diego Area Regional Standard Drawings.

In addition to the above defined words, terms and phrases, the definition of words, terms and phrases, as described in Chapter 15.04, shall apply to this chapter. (Ord. CS-164 § 13, 2011; Ord. NS-878 § 1, 2008; Ord. NS-386 § 2, 1996)

11.16.030 City engineer’s authority and responsibilities.
This chapter shall be administered by the city engineer who shall have the responsibility and authority to:
A. Establish the form and procedures for application for right-of-way permits required pursuant to this chapter including the certification of completed applications, the approval of plans, the establishment of files, collection of fees and security deposits;
B. Interpret the provisions of this chapter and advise the public regarding requirements for plans, specifications and special provisions for facilities or encroachments subject to the provisions of this chapter;
C. Establish format and content of plans and standards governing work on facilities or encroachments pursuant to the provisions of this chapter;
D. Issue right-of-way permits upon such conditions as determined are reasonable and necessary to protect the public health, safety and welfare;
E. Consider and approve amendments, including extensions, of any right-of-way permit issued when such amendment is necessary to provide for the safe and efficient movement of traffic or to protect public places, persons or property;
F. The city engineer shall, subject to the authority of the community and economic development director pursuant to Section 1.08.020, administer and enforce the provisions of this chapter. (Ord. NS-386 § 2, 1996)

11.16.050 Permits—Required.
No person shall do any of the following acts without first obtaining a valid right-of-way permit:
A. Make or cause to be made any excavation or opening, fill or obstruction in, over, along, on, across or through any public place for any purpose whatsoever;
B. Construct or repair or cause to be constructed or repaired any curb, sidewalk, gutter, curb with integral gutter, drive approach, driveway, alley approach, spandrel and cross gutter, wheelchair ramp, A.C. dike, or any other work of any nature covered by the city standard drawings or city policy within a public place; or place, change, renew an encroachment in, over, along or across or through any street right-of-way or public place excepting, however, for or in connection with the installation of poles, guys and anchors constructed for use under franchise for public utility purposes where such poles, guys and anchors do not interfere with or lie within 10 feet of existing improvements;
C. Place any banner over, across, on, or along any public place;
D. Plant, remove, cut, cut down, injure or destroy any tree, plant, shrub, or flower growing within any public place excepting necessary pruning or trimming to protect persons or property;
E. Construct or modify or cause to be constructed or modified, any storm drain or conveyor of drainage waters and appurtenant items within a public place;

F. Modify, alter or deface any block wall on or adjacent to public places;

G. Engage in any traffic-control operations in such a fashion as to affect any public place while constructing, demolishing or maintaining any facility;

H. Enter onto or exit from any public place at any location not approved and constructed as a driveway;

I. Install marquees, awnings and building mounted signs which obtrude into a public place. (Ord. NS-386 § 2, 1996)

11.16.060 Permits—Application.
A. Any person proposing to do any of the acts described in Section 11.16.050 of this chapter shall make an application for a right-of-way permit to the city engineer.

B. The following information shall be included on the application:
   1. The location, nature and extent of work to be performed;
   2. The proposed date when such work shall be commenced;
   3. The proposed date when work shall be completed;
   4. Such other information as may be required by the city engineer.

C. The city engineer may require the application to contain an encroachment agreement if deemed necessary due to the size, duration, and/or nature of the encroachment. The encroachment agreement shall require removal of the encroachment by the permittee upon reasonable demand by the city engineer, adequate security for performance of such promise, and be in a form acceptable to the city attorney. It may be executed on behalf of the city by the city engineer.

D. If the work proposed to be done requires the making of plans or the setting of stakes, or both, the city engineer may require the application to be accompanied by the necessary plans, which plans shall be prepared by a competent engineer licensed by the State Department of Consumer Affairs.

E. Upon right-of-way permit issuance the application shall become part of the right-of-way permit. (Ord. NS-386 § 2, 1996)

The city engineer may require any person who, pursuant to a duly issued right-of-way permit under this chapter, has performed construction work or placed and maintained any encroachment, to move the same at his or her own cost and expense to such different location as is specified in a written demand of the city engineer, whenever such move is necessary to ensure the safety and convenience of the public or facilitate construction within the right-of-way. The city engineer shall specify in the demand a reasonable time within which the work of relocation must be commenced, and the permittee must commence such relocation within the time specified in the demand and thereafter diligently prosecute the same to completion. Any encroachment agreement required by the city engineer shall specify these requirements and require adequate security to enforce these provisions if the permittee fails to do so. (Ord. NS-386 § 2, 1996)

11.16.080 Permits—Commencement and completion of work.
Every permittee shall commence work as stipulated in the right-of-way permit and diligently pursue the work to completion without interruption within the time period required by the right-of-way permit. Right-of-way permits issued under this chapter shall be valid for the period of time specified in the right-of-way permits, unless the city engineer grants a time extension. (Ord. NS-386 § 2, 1996)
11.16.090 Permits—Requirements for performance of work.
A. The permittee shall perform the work in a timely manner, in accordance with approved plans, specifications and city standards and, to the satisfaction of the city engineer.

B. No person shall cause any public improvement or appurtenant work to be performed upon any public place within the city by any person other than a licensed contractor or a public utility.

C. Any works conducted requiring the temporary, partial or full closure of the traveled or pedestrian right-of-way shall not be commenced until the permittee has obtained a permit therefor pursuant to Title 8 or Title 10 of this code and has been issued a traffic-control permit stipulating the date, time and provisions under which closure may be carried out.

D. As the work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such work shall be accomplished at the expense of the permittee. From time to time, as may be ordered by the city engineer, and in any event immediately after completion of the work, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work. Upon failure to do so, within 24 hours after having been notified, the work may be done by the city and the cost thereof charged to the permittee. Whenever it may be necessary for the permittee to excavate through any landscaped area, the area shall be reestablished in a like manner after the excavation has been backfilled as required. All construction and maintenance work shall be done in a manner designed to leave the area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any existing trees or shrubs without first obtaining the consent of the city engineer.

E. All work affecting public improvements or public safety shall be inspected by the city engineer as follows:
   1. No person shall prevent or obstruct the city engineer in making any inspection authorized by this chapter or in taking any sample or in making any test;
   2. Twenty-four-hour notice to the city engineer is required for all inspections;
   3. All work not in conformance with approved plans and specifications is subject to rejection by the city engineer;
   4. Request for final inspections shall be made in writing.

F. Prior to the issuance of a right-of-way permit for a project, the project owner or authorized agent shall:
   1. Provide the city engineer with a completed stormwater requirements applicability questionnaire in accordance with SUSMP requirements;
   2. If the project is determined to be a priority development project, then the project owner or authorized agent shall:
      a. Prepare and submit a stormwater management plan in conformance with the requirements of city standards and Title 15 of this code;
      b. Enter into a permanent stormwater quality best management practices maintenance agreement or provide an alternate maintenance mechanism as approved by the city engineer.

G. A city-approved construction SWPPP is required to be submitted prior to right-of-way permit issuance in accordance with city standards and Section 15.16.085 of this code for any project which has the potential for adding pollutants to stormwater or non-stormwater runoff during construction activities, unless an exemption from such requirement is provided pursuant to Section 15.16.085 and the municipal permit. (Ord. NS-878 § 2, 2008; Ord. NS-386 § 2, 1996)

11.16.100 Permits—Acceptance of work.
The city engineer, upon determination by survey or by inspection or by both, that the work has been completed according to the requirements of this chapter and the right-of-way permit, shall issue a certificate of
acceptance which shall contain a statement of the location, nature and extent of the work performed under
the right-of-way permit. (Ord. NS-386 § 2, 1996)

11.16.110 Permits—Denial and revocation.
A. The city engineer may deny the issuance of a right-of-way permit to any person who refuses or fails to
comply with the provisions of this chapter, who is indebted to the city for past permit violations or who
in the judgment of the city engineer has repeatedly violated permit procedures or failed to comply with
conditions requiring protection of the public health and safety.
B. The city engineer may deny the issuance of a right-of-way permit to any person who refuses to execute
an encroachment agreement as required pursuant to Section 11.16.060.
C. Any permittee found in violation of the conditions of a right-of-way permit or the provisions of this chap-
ter shall be given a written notice to comply stipulating the code violation. Upon receipt of a notice to
comply, the permittee shall take action to correct the condition of violation within the period stipulated
in the notice. If within that period appropriate measures have not been implemented, the city engineer
may revoke the right-of-way permit and take any measures required to secure the work site or return
the work site to its original condition. The cost of such work may be collected from the permittee.
D. The city engineer shall deny the issuance of a right-of-way permit to any person who refuses to comply
with all stormwater protection provisions of this chapter or Title 15 of this code. (Ord. NS-878 § 3,
2008; Ord. NS-386 § 2, 1996)

11.16.120 Appeal procedure.
A. An individual may appeal the decision of the city engineer made in regard to administration of this
chapter to the city council within 10 calendar days following the decision. Appeals shall be in writing,
filed with the city clerk and shall state the basis for the appeal. Fees for filing an appeal shall be in an
amount as established by resolution of the city council. The decision of the city council shall be final.
B. The city clerk shall thereupon fix a time and place for hearing such appeal. The city clerk shall give no-
tice to the appellant and applicant/permittee of the time and place of hearing by serving the notice per-
sonally or by depositing it in the United States Post Office in the city, postage prepaid, addressed to
such persons at their last known address. (Ord. NS-386 § 2, 1996)

11.16.130 Right-of-way permit fees.
Right-of-way permit fees shall be charged by the city for the processing of a right-of-way application and the
issuance of a right-of-way permit. The fee shall be established by resolution of the city council and is for the
purpose of defraying the cost of processing an application, issuing the requested right-of-way permit, inspec-
tion of works completed under the right-of-way permit and other costs of administrating this chapter. (Ord.
NS-386 § 2, 1996)

11.16.140 Performance deposits.
A. As a condition of issuance of a right-of-way permit, the city engineer may require posting of a cash de-
posit or an equivalent security in a form acceptable to the city attorney. The city engineer may require
that up to 100% of any deposit be submitted in the form of a cash deposit. The cash deposit may be
used at the discretion of the city engineer to provide for traffic-control, restoration of public facilities or
removal from the right-of-way of work, materials or equipment when permittee or the permittee's agent
fails to act in a timely manner to provide for the public health, safety or welfare. The deposit shall oth-
otherwise be for the purpose of guaranteeing performance of work contemplated under the permit includ-
ing removal of encroachments, if required. Each deposit shall be accompanied by a right-of-way cash
security agreement stipulating the uses and conditions under which the funds may be expended.
B. The amount of the deposit shall be established by the city engineer based on the size, duration, and/or
nature of the encroachment.
C. Upon completion and acceptance of work under permit, any funds unused shall be refunded to the permittee and any other bonds or security instruments shall be released.

D. If any deposit or security is not sufficient for the protection of the public interest in the public places, the city engineer may require an additional deposit or an increase in the security in such amount as the city engineer determines necessary. The permittee shall, upon demand, deposit the additional cash or security.

Upon failure or refusal to pay, the city engineer may revoke the permit and/or recover the deficiency by appropriate action in any court of competent jurisdiction. Until such deficiency is paid in full, no other permit shall be issued to such permittee.

E. Where work is to be done by persons or utilities operating under a franchise issued by the city or regulated by the State Public Utilities Commission or utilities operated by governmental agencies, a permit may be granted without making a deposit. In such cases, the permittee shall be liable for the actual cost of any work to be done by the city in restoring the area covered by the permit to the satisfaction of the city engineer. (Ord. NS-386 § 2, 1996)

11.16.145 Improvement plans.

A. Improvement plans shall be prepared in accordance with city standards and this chapter for all work involving the construction, repair and/or major rehabilitation of public improvements within a public place. The city engineer may waive the requirement for preparation of improvement plans if, in the opinion of the city engineer, the improvements are of a size or type that does not warrant the preparation of improvement plans.

B. A separate application for each set of improvement plans, if required, shall be made in advance of submittal for a right-of-way permit. Each application for improvement plan review shall include a completed application form, improvement plans, specifications, engineering calculations, a soils and/or geotechnical investigation, and other such calculations, documentation and information as may be necessary to demonstrate that the improvement work will be carried out in substantial compliance with all city codes, city standards and the requirements of the Landscape Manual. Each improvement plan review application shall be accompanied by a construction SWPPP prepared in accordance with the requirements of this chapter, Title 15 and city standards.

C. An improvement plan review fee and inspection fee shall be charged by the city for the processing of the improvement plan review and inspecting the improvements during construction. The fees shall be established by resolution of the city council and are for the purpose of defraying the cost of processing the improvement plan review and inspecting the improvements during construction. The improvement plan review fee and inspection fee are in addition to any other plan review, inspection and permit issuance fees charged for the issuance of a right-of-way permit or processing grading plans and building plans or, the issuance of permits thereto. An additional improvement plan review fee of 15% of the current plan review fee may be charged for improvement plan applications for which the city approval is not granted within 24 months following the original date of application.

D. Improvement plan applications for which city approval is not granted within three years following the date of application shall be deemed withdrawn, provided the improvement plans are not associated with a tentative map, tentative parcel map, vesting tentative map, or vesting tentative parcel map, in which case the improvement plan application shall be deemed withdrawn on the date of the expiration of the associated tentative map. The improvement plans and other documents submitted for review may thereafter be returned to the applicant or destroyed by the city engineer. In order to renew action on an application after withdrawal, the applicant shall resubmit a new application and pay new improvement plan review and inspection fees.

E. The city engineer may authorize refunding of the entire improvement plan inspection fee and refunding the unused amount not exceeding 80% of the improvement plan review fee paid when an application for an improvement plan is withdrawn (1) in accordance with this section; or (2) upon written applica-
F. Any application in process on the effective date of this code amendment shall be subject to the provisions of this section. The filing date for such application shall be considered to be the effective date of the code amendment. (Ord. CS-135 § 1, 2011; Ord. NS-878 § 4, 2008)

11.16.146 Improvement plan security.
A. The owner, developer or subdivider shall enter into a secured agreement with the city guaranteeing the construction of the public improvements in accordance with this chapter and the improvement security requirements of Sections 20.16.070 and 20.16.080 of this code, prior to issuance of a right-of-way permit or at such other time as required per the conditions of approval for projects approved pursuant to Titles 20 and 21 of this code.
B. The improvement security release procedures described in Section 20.16.090 of this code shall be followed for release of security posted per the requirements of this section. (Ord. NS-878 § 4, 2008)

11.16.150 Placement of materials or obstruction of streets.
A. No person shall place or maintain any material or any obstruction or impediment to travel in or upon any public place without a permit to do so.
B. Persons violating provisions of this section shall be issued a notice of removal and given a specified time to remove such material, obstruction or impediment. Any failure to comply with the notice is unlawful and a public nuisance endangering the health, safety and general welfare of the public. In addition to any other remedy provided by law for the abatement of such public nuisance, the city engineer may, after giving notice, cause the work necessary to accomplish the removal. The costs thereof may be assessed against the owner or owners of the project creating the obstruction.
C. Notice of removal shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property creating the obstruction at the address shown on the assessment roll. Notice shall also be sent to any person known to the city engineer to be responsible for the nuisance. The city engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice. The notice shall particularly specify the work required to be done and shall state that if the work is not commenced within 24 hours after receipt of such notice and diligently prosecuted (without interruption) to completion, the city shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the city, will be assessed against the property or against each separate lot and become a lien upon such property.
D. If upon the expiration of the 24-hour period provided for in subsection C of this section, the work has not been done, or having commenced, is not being performed with diligence, the city engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the city engineer shall file written report with the city council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which cost is to be assessed. The city council shall thereupon fix a time and place for hearing protest against the assessment of the cost of such work. The city engineer or the city clerk, if so directed by the council, shall thereafter give notice in writing to the owners of the project in the manner provided in subsection C of the hour and place that the city council will pass upon the city engineer's report and will hear protests against the assessments. Such notice shall also set forth the amount of the proposed assessment.
E. Upon the date and hour set for the hearing of protests, the city council shall hear and consider the city engineer's report and all protests, if there are any, and then proceed to confirm, modify or reject the assessments.
F. A list of assessments as finally confirmed by the city council shall be sent to the city treasurer for collection. If any assessment is not paid within 10 days after its confirmation by the city council, the city
clerk shall cause to be filed in the office of the county recorder a notice of lien, substantially in the following form:

NOTICE OF LIEN

Pursuant to Chapter 11.16, Title 11, of the Carlsbad Municipal Code (Ordinance No. ___________), the City of Carlsbad did on the ____ day of ____________, 20__, cause maintenance and report work to be done in the public right-of-way for the purpose of abating a public nuisance caused by activities related to construction at the property described below. The Council of the City of Carlsbad did on the ____ day of ____________, 20__, by its Resolution No. ____________ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City of Carlsbad does hereby claim a lien upon said real property until the same sum with interest thereon at the maximum rate allowed by law from the date of the recordation of this instrument has been paid in full and discharged of record. The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in the City of Carlsbad, County of San Diego, State of California, particularly described as follows:

(Description of property)

Dated this ____ day of ____________, 20__.
City Clerk, City of Carlsbad.

G. From and after the date of recordation of such notice of lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the maximum rate allowed by law until paid in full. The lien shall continue until the amount of the assessment and all interest thereon has been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such notice of lien, all persons shall be deemed to have notice of the contents thereof. (Ord. NS-386 § 2, 1996)

11.16.160 Holding city harmless—Insurance.
The applicant for a right-of-way permit, as a condition to receiving a right-of-way permit, shall sign a statement that he or she agrees to indemnify and hold harmless the city, and each officer and employee thereof, from any liability or responsibility for death or injury to persons and loss or damage to property happening or occurring as a result of the design or performance of any work undertaken under any right-of-way permit granted pursuant to the application. The applicant shall be required to provide proof of liability insurance in the amount of at least one million dollars and shall name the city as an additional insured under the insurance policy. The insurance shall be provided by a company satisfactory to the city. Any deductible or self-insured retention under the insurance policy shall be in an amount acceptable to the city. (Ord. NS-386 § 2, 1996)

11.16.170 Exemptions.
The city and its employees, acting in their official capacity, are exempt from the requirements set forth in this chapter. (Ord. NS-386 § 2, 1996)
Chapter 11.24

AGUA HEDIONDA LAGOON*

Sections:

11.24.005 Purpose and intent.
11.24.010 Definitions.
11.24.015 Special use area—Agua Hedionda Lagoon.
11.24.020 Lagoon use permits.
11.24.030 Maximum vessel speed limit.
11.24.035 Operation of vessels at night.
11.24.050 Inner lagoon—Special use area.
11.24.055 Fishing.
11.24.056 No anchoring in posted areas.
11.24.057 No large wakes.
11.24.058 Compliance with lagoon closures under interim management plan.
11.24.060 Public access.
11.24.075 Maximum number of vessels on the water.
11.24.080 Maximum vessel length.
11.24.085 Prohibited uses.
11.24.100 Throwing waste or refuse in water or on public access or shoreline.
11.24.110 Water-ski slalom course.
11.24.115 Boats and skiers.
11.24.120 Establishment of vessel transit corridors.
11.24.125 City’s liability—Use of areas at own risk.
11.24.130 Compliance with chapter, regulations and orders.
11.24.135 Boating regulations.
11.24.137 Enforcement by police department—Authority of community services officers.
11.24.138 Violations.
11.24.140 Constitutionality or invalidity.

* Prior ordinance history: Ord. Nos. 1296, 3033, 3083, 3091, 3118, 3127, 3142, 3153, 3154, 3161, 3213, 3222, and NS-286.

11.24.005 Purpose and intent.
The purpose and intent of this chapter is to establish and regulate a special use area in the inner lagoon area of the Agua Hedionda Lagoon subject to criminal sanctions. It establishes speed zones, time restrictions, and other regulations to protect and ensure the safe and enjoyable use of the inner lagoon. These rules and regulations will be enforced by the Carlsbad police department’s police officers and community service officers. (Ord. NS-509 § 1, 1999; Ord. NS-292 § 1, 1994)

11.24.010 Definitions.
For purposes of this chapter, the definitions set forth in the State Harbors and Navigation Code, Vehicle Code and California Administrative Code, as amended to date, and as follows, shall apply:

“Interim management plan” means the interim management plan to facilitate the Agua Hedionda Lagoon Caulerpa Taxifolia Eradication Program, as amended to date, which has been approved by the city council and is on file with the city clerk’s office.

“Passive use area” means the eastern end of the inner lagoon east of red marker buoys, shown as Zone 6 on the Inner Lagoon Survey Zones map on file in the city clerk’s office.

“Personal watercraft area” means that portion north of the red marker buoys at the northwest end of the inner lagoon, shown as Zone 3 on the Inner Lagoon Survey Zones map on file in the city clerk’s office.
“Powerboat area” means the middle area of the inner lagoon, between the personal watercraft and passive
use area, shown as Zones 4 and 5 on the Inner Lagoon Survey Zones map on file in the city clerk’s of-

cice.
“Slalom course area” means that portion of the inner lagoon located parallel to the southeastern shoreline
within both the powerboat and passive use areas, 1,850 feet long and no more than 150 feet north of
the slalom course and 150 feet west of the passive use areas, as delineated by marker buoys. (Ord.
NS-631 § 1, 2002; Ord. NS-630 § 1, 2002; Ord. NS-509 § 2, 1999; Ord. NS-292 § 1, 1994)

11.24.015 Special use area—Agua Hedionda Lagoon.
Of the entire Agua Hedionda Lagoon, consisting of three sections known as outer lagoon, inner lagoon, and
middle lagoon, only the inner lagoon is declared to be a “special use area” defined in California Harbors
and Navigation Code Section 651 authorized for local rules by Section 600(a) as authorized by California Har-
bors and Navigation Code Section 660. Use of the inner lagoon is subject to the provisions of this chapter
and any regulations adopted by resolution of the city council, including any regulations contained in or estab-
lished pursuant to the interim management plan. (Ord. NS-631 § 2, 2002; Ord. NS-630 § 2, 2002; Ord. NS-
509 § 3, 1999; Ord. NS-292 § 1, 1994)

11.24.020 Lagoon use permits.
A. It is unlawful to operate any type of vessel on the inner lagoon without first obtaining a city annual or
temporary lagoon use permit issued by the city manager or a designee, or a daily lagoon use permit is-
sued by the Snug Harbor Marina office. The vessel operator shall display the city’s annual permit decal
in the specified location at all times or possess and show upon request a valid city temporary or daily
lagoon use permit.
B. Lagoon use permits may be denied, suspended, or revoked for failure to comply with the provisions of
this chapter or any regulations adopted pursuant to this chapter, including any regulations contained in
the interim management plan.
C. The city manager is authorized to establish appropriate procedures, consistent this chapter and appli-
cable laws and regulations, for the issuance, denial, suspension, or revocation of a lagoon use permit.
The procedures for issuing a lagoon use permit shall include, without limitation, the following require-
ments:
1. Permit application and hold harmless indemnity agreement shall be filled out and signed by a re-
sponsible adult;
2. The current permit fee as established by the city council by resolution must be paid;
3. The fee is nonrefundable and nontransferable;
4. Those vessels that are required by California department of motor vehicles to obtain vessel regis-
tration shall provide a copy of valid vessel registration;
5. Lagoon use permits are not required for dredging, research, patrolling or maintenance by the la-
goon owner and/or its representative. (Ord. NS-631 § 3, 2002; Ord. NS-630 § 3, 2002; Ord. NS-
509 § 4, 1999; Ord. NS-292 § 1, 1994)

11.24.030 Maximum vessel speed limit.
It is unlawful to operate a vessel at speeds in excess of 45 miles per hour except pursuant to a special
events permit issued pursuant to Chapter 8.17. (Ord. NS-509 § 5, 1999; Ord. NS-292 § 1, 1994)

11.24.035 Operation of vessels at night.
Between sunset and sunrise the following day, no person shall operate a vessel at speeds in excess of five
miles per hour. (Ord. NS-292 § 1, 1994)
11.24.050  **Inner lagoon—Special use area.**
The inner lagoon, including all water areas east of Interstate 5, shall be subject to the following regulations all year round:

A. Separate areas are established for use by personal watercraft, powerboats and passive (non-motorized) vessels, with transit corridors adjacent to the shorelines for transit to and from these separate areas.

B. Personal watercraft are limited to and shall maintain a counterclockwise pattern when in the personal watercraft area. A person may not operate nor give permission to operate a personal watercraft for the purpose of towing a person on water skis, aquaplane or similar device.

C. Powerboats are limited to and shall maintain a counterclockwise traffic pattern when in the powerboat area.

D. Passive vessels are limited to the passive use area, and shall remain north of the slalom course area when it is in use pursuant to Section 11.24.110. (Ord. NS-509 § 8, 1999; Ord. NS-292 § 1, 1994)

11.24.055  **Fishing.**
A. Fishing from the shoreline or from a passive vessel shall be limited to the passive use area; fishing from a powerboat shall be limited to the powerboat area. It is unlawful to cast fishing lines into any transit corridor or in the traffic pattern of any vessel.

B. This section shall become operative on January 1, 2008, unless amended or repealed by further action of the city council. (Ord. NS-844 § 1, 2007; Ord. NS-749 § 1, 2005; Ord. NS-700 § 1, 2004; Ord. NS-661 § 1, 2003; Ord. NS-631 § 4, 2002; Ord. NS-630 § 4, 2002; Ord. NS-509 § 9, 1999; Ord. NS-292 § 1, 1994)

11.24.056  **No anchoring in posted areas.**
A. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, it is unlawful to anchor a boat in any area of the inner lagoon.

B. The city manager may allow anchoring in the passive use area or in the powerboat area if the city manager finds, based on available scientific data, that allowing anchoring in these areas is consistent with the interim management plan and will not cause the spread of Caulerpa taxifolia inside or outside of the lagoon.

C. Nothing in this section precludes a person from anchoring in an emergency situation in order to prevent personal injury or property damage.

D. This section shall be operative until December 31, 2007, at which time it shall automatically be repealed unless extended by further action of the city council. (Ord. NS-844 § 2, 2007; Ord. NS-796 § 1, 2006; Ord. NS-749 § 2, 2005; Ord. NS-700 § 2, 2004; Ord. NS-661 § 2, 2003; Ord. NS-631 § 5, 2002; Ord. NS-630 § 5, 2002; Ord. NS-596 § 1, 2001; Ord. NS-595 § 1, 2001)

11.24.057  **No large wakes.**
A. Except when necessary for starting and stopping only, it is unlawful to operate a personal watercraft or powerboat in any area of the inner lagoon in a manner that generates wakes in excess of 12 inches above the undisturbed water line.

B. This section shall be operative until December 31, 2007, at which time it shall automatically be repealed unless extended by further action of the city council. (Ord. NS-844 § 3, 2007; Ord. NS-796 § 3, 2006; Ord. NS-749 § 3, 2005; Ord. NS-700 § 3, 2004; Ord. NS-661 § 2, 2003; Ord. NS-631 § 6, 2002; Ord. NS-630 § 6, 2002)
11.24.058 Compliance with lagoon closures under interim management plan.
A. Notwithstanding any other provision of this chapter, it is unlawful to enter or to cause a personal watercraft, powerboat, or passive vessel to enter any area of the inner lagoon that is closed for survey or eradication work under the interim management plan.
B. Nothing in this section precludes the entering into a closed area of the inner lagoon in an emergency situation in order to prevent personal injury or property damage. (Ord. NS-631 § 7, 2002; Ord. NS-630 § 7, 2002)

11.24.060 Public access.
All public accesses are subject to the following year-round regulations:
A. Open for walk-in traffic only, from sunrise to sunset; it is unlawful to drive a motorized vehicle on a public access when posted for walk-in traffic only;
B. Passive vessels with a valid city permit may be launched at any public access;
C. It is unlawful to launch any personal watercraft or powerboat from any public access. (Ord. NS-509 § 10, 1999; Ord. NS-292 § 1, 1994)

11.24.075 Maximum number of vessels on the water.
The maximum number of passive and power vessels (excluding personal watercraft) using the water in their designated use areas at any one time shall not exceed 40 vessels in the passive use area, nor 30 vessels in the powerboat area. The maximum number of personal watercraft using the personal watercraft area at any one time shall not exceed 15. The maximum number of boardsails using the passive use area at any one time shall not exceed 20. (Ord. NS-509 § 12, 1999; Ord. NS-292 § 1, 1994)

11.24.080 Maximum vessel length.
The maximum vessel length allowed in the inner lagoon, excluding rescue, research and maintenance vessels, shall be 21 feet or less for powerboats, 18 feet or less for passive vessels and 12 feet or less for personal watercraft. Notwithstanding the foregoing, powerboats used for skiing may be 23 feet if the manufacturer's certified slalom wake rise rating is less than nine inches. (Ord. NS-509 § 13, 1999; Ord. NS-292 § 1, 1994)

11.24.085 Prohibited uses.
The city reserves the right to limit the type of vessels and aquatic uses of the lagoon. The following type of vessels or uses are not allowed on the inner lagoon:
A. Parasails;
B. Hovercraft (except for official use);
C. High profile cabin cruisers;
D. Motorized surfboard-like vessels;
E. No aircraft shall land on takeoff from the water or public shoreline and public accesses;
F. No aquatic vessel races, ski meets, vessel parades or other aquatic special events on the water are allowed except as authorized by a special events permit obtained pursuant to Chapter 8.17;
G. No permanent mooring a vessel;
H. No swimming or wading, except in conjunction with other permitted activities under this chapter;
I. This section is not intended to apply to the lagoon owner and/or its representative, the state, county, city or other political subdivision of the state. The city does not intend to regulate maintenance, dredging, research, patrol, utility and other vessels authorized by lagoon owner and/or its representative for its uses in the lagoon. (Ord. NS-509 § 14, 1999; Ord. NS-292 § 1, 1994)
11.24.100 Throwing waste or refuse in water or on public access or shoreline.
It is unlawful to place waste or refuse of any kind in the water, on the shoreline or public access except in designated waste or refuse containers. (Ord. NS-292 § 1, 1994)

11.24.110 Water-ski slalom course.
The following shall apply when daylight savings time is in effect: The slalom course area may be used in two directions between sunrise and 10:00 a.m. daily. After 10:00 a.m. the slalom course area will be closed and unlawful to use. Each pass made through the slalom course area, when closed, shall constitute a new and separate offense. Between sunrise and 10:00 a.m. daily, powerboats and skiers shall comply with the following procedures:
A. No vessel may enter through the slalom course area when another powerboat is towing a skier.
B. Only one boat at a time may use the course. Other boats wishing to use the course will sit at a safe distance not less than 50 feet at the west end of the designated slalom course area. A skier may take a maximum of four passes through the course. A boat completing its passes should retrieve its skier and proceed at speeds less than five miles per hour to the waiting area, south beach or powerboat area. The next boat in line may proceed to the starting area and begin pulling its skier. For the purposes of this chapter, the definition of a pass shall be one round trip through the course.
C. If a skier falls during a pass, the boat must return at a safe speed to pick up the skier. Each skier is allowed two falls per pass. A failed attempt to get up is to be considered a fall.
D. It is unlawful to pull more than one skier within the boundaries of the designated slalom course area.
E. The city reserves the right to terminate use of the slalom course by any vessel or skier at any time based on safety and liability concerns.
F. In the event of any dispute or question as to what constitutes a safety or liability concern, the decision of the city shall be binding and conclusive.
When Pacific standard time is in effect, all of the aforementioned slalom course rules shall remain in effect with the exception of the time restriction. (Ord. NS-509 § 17, 1999; Ord. NS-292 § 1, 1994)

11.24.115 Boats and skiers.
Boats and skiers shall comply with the following rules and procedures:
A. Boats shall maintain a counterclockwise pattern in the powerboat area.
B. No takeoffs or drop-offs are allowed in the personal watercraft area, vessel corridors, or passive use area at any time.
C. Takeoff traffic shall standby until the way is safe and clear before starting.
D. All drop-offs shall be done parallel to the shoreline; the boat shall not “hook,” instead it shall remain parallel to the shoreline; once the skier drops off, the boat shall stop, draw in the towline and when safe, make a small counterclockwise turn back to the desired beach location.
E. The maximum number of towlines used behind any boat shall be two; the maximum number of skiers behind any boat shall be two.
F. When towing two skiers and one skier falls, the second skier shall let go of the towline. The boat shall then follow established procedure and safety precautions for skier pick-up and takeoff procedures.
G. No unattended ski equipment may be left in the lagoon.
H. Towing of any object or aquatic device (excluding water skis and wake boards) is subject to approval by the city, in advance.
I. No boat shall pull into the beach with tow line dragging behind.
J. Vessel racing is prohibited unless approved in accordance with Section 11.24.085. (Ord. NS-509 § 18, 1999; Ord. NS-292 § 1, 1994)

11.24.120 Establishment of vessel transit corridors.
When buoys are placed out from the shoreline to establish vessel transit corridors, it is unlawful to travel on the shore side of such buoys except for the purpose of transit from one area to another at speeds not to exceed five miles per hour. No towing of any aquatic device or person is allowed between the buoys and the shoreline. No water ski takeoff is permitted in the transit corridor, between the buoys and the shoreline. No mooring, anchoring or beaching a vessel is allowed in the transit corridor between sunset and sunrise. (Ord. NS-509 § 19, 1999; Ord. NS-292 § 1, 1994)

11.24.125 City’s liability—Use of areas at own risk.
The city declares its purpose in adopting this chapter is safe conduct among the users of the Agua Hedionda Lagoon. The city council does not expand its liability, if any, for accidents or injuries sustained by the public user of such aquatic areas. Any person utilizing aquatic areas does so at his or her own risk. (Ord. NS-292 § 1, 1994)

11.24.130 Compliance with chapter, regulations and orders.
A. It is unlawful for any person to violate any provision of this chapter, including to refuse to follow or comply with regulations adopted pursuant to this chapter, or with any lawful notice, sign, order, warning signals, or lawful direction of a police officer, community services officer, or lifeguard, except for the purpose of making a rescue.

B. It is further unlawful for any person to deface, injure, knock down or remove any notice, sign, or warning placed for the purpose of enforcing the provisions of this chapter, or regulations adopted pursuant to this chapter.

C. Operators of vessels on the lagoon shall, upon approach of a marked enforcement vessel displaying a blue light, immediately yield the right-of-way to the enforcement vessel and, upon direction of the operator of the enforcement vessel, come to a stop. (Ord. NS-631 § 8, 2002; Ord. NS-630 § 8, 2002; Ord. NS-509 § 20, 1999; Ord. NS-292 § 1, 1994)

11.24.135 Boating regulations.
The city council may by resolution establish boating regulations for the inner lagoon. (Ord. NS-509 § 21, 1999; Ord. NS-292 § 1, 1994)

11.24.137 Enforcement by police department—Authority of community services officers.
A. Except for the issuance, denial, suspension, or revocation of lagoon use permits under Section 11.24.020, which shall be administered by the city manager or a designee, the police department shall enforce this chapter, including any regulations adopted by the city council pursuant to this chapter, along with any violation of the California Harbors and Navigation Code, Penal Code, Vehicle Code, and their implementing regulations, pertaining to the inner lagoon.

B. If a community services officer III is assigned by the police chief or a designee to patrol the inner lagoon, the officer is charged with enforcement of the above laws and regulations and authorized and empowered to act pursuant to Penal Code Sections 836.5 and 853.6 to arrest or issue a citation to any person without a warrant whenever the officer has reasonable cause to believe that the person has committed a violation of these laws and regulations and the violation was committed in the officer’s presence. (Ord. NS-631 § 9, 2002; Ord. NS-630 § 9, 2002; Ord. NS-509 § 22, 1999; Ord. NS-297 § 1, 1994)
11.24.138   Violations.
Violations of this chapter, or any regulations adopted pursuant to this chapter, are subject to the provisions of Chapter 1.08 of this code. (Ord. NS-631 § 10, 2002; Ord. NS-630 § 10, 2002)

11.24.140   Constitutionality or invalidity.
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Ord. NS-292 § 1, 1994)
Chapter 11.28

PUBLIC NUDITY

Sections:

11.28.010 Purpose and intent.
11.28.020 Nudity defined.
11.28.030 Public place defined.
11.28.040 Public nudity prohibited.
11.28.050 Exceptions.

11.28.010 Purpose and intent.
The presence of persons who are nude and exposed to public view in or on public rights-of-way, public parks, public beaches or any other public land, or in or on any private property open to public view from any public right-of-way, public beach, public park, or other public land is offensive to members of the general public unwillingly exposed to such persons. The parks and beaches owned by the city are operated and maintained for the use, benefit, recreation and enjoyment of all citizens and residents of this city. It is in the public interest and necessary to the public health, safety and welfare that the parks and beaches be utilized and enjoyed by as many persons as possible. The maximum utilization and enjoyment of the parks and beaches can only be obtained through the imposition of regulations regarding activities thereon. The appearance of some persons utilizing the parks and beaches without clothing and with the private parts of their bodies exposed unreasonably interferes with the right of all persons to use and enjoy the parks and beaches by causing many persons to leave, and others not to come to the parks and beaches.

Such conduct and behavior imposes an extraordinary and unusual burden on city employees charged with the maintenance of the parks and beaches and the preservation of the safety and well-being thereof.

The provisions of this chapter are enacted for the purpose of securing and promoting the public health, morals and general welfare of all persons in the city. (Ord. 3103 § 1, 1976)

11.28.020 Nudity defined.
Whenever in this chapter the word “nude” is used, it means devoid of an opaque covering which covers the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any person or any portion of the breast at or below the upper edge of the areola thereof of any female person. (Ord. 3103 § 1, 1976)

11.28.030 Public place defined.
Whenever in this chapter the words “public place” are used, they mean any public beach, park, street or waters adjacent thereto, or any place open to the public or exposed to public view, including specifically a view from any private residence or any portion of the real property in the immediate vicinity of such private residence, whether such place is publicly or privately owned. (Ord. 3103 § 1, 1976)

11.28.040 Public nudity prohibited.
It is a public nuisance and unlawful for any person to appear, sunbathe, bathe, walk, disrobe, or otherwise be nude in any public place except in those portions of a comfort location, if expressly set aside for such purpose. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $500.00, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment. (Ord. 3103 § 1, 1976)

11.28.050 Exceptions.
This chapter shall not apply to:
A. Persons under the age of 10 years;
B. Persons engaged in a live theatrical performance performed in a theater, concert hall or other similar establishment which is predominantly devoted to theatrical performances;
C. Any act or acts which are expressly authorized or prohibited by the Penal Code of the State of California; and/or
D. Any act regulated under Chapter 8.60. (Ord. NS-761 § 6, 2005)
Chapter 11.32

PARKS AND BEACHES

Sections:

11.32.010 Parks—Scope.

11.32.015 Definitions.

11.32.020 Beaches—Scope.

11.32.030 Unlawful acts.

11.32.040 Glass containers on beach—Prohibited.

11.32.050 Public dances.

11.32.060 Violations—Seizure of property.

11.32.070 Carlsbad seawall—Pedestrians only.

11.32.080 Restriction of areas for exclusive use of surfboards.

11.32.090 Hours surfboarding is prohibited.

11.32.100 Application of Sections 11.32.080 and 11.32.090 to lifesaving devices.

11.32.110 Smoking in public parks and beaches—Prohibited.

11.32.010 Parks—Scope.

For the purpose of this chapter, parks shall include all dedicated parks, parks established by adverse uses, planted areas open to the general public, parks on leased property, trails open to the general public, planted parkways, triangles, and traffic circles maintained by the city, except parkway strips between curb and sidewalk or behind curb, along the several streets and highways of the city. (Ord. NS-894 § 1, 2008; Ord. 3222 § 2, 1987)

11.32.015 Definitions.

Whenever the words “park” and “vehicle” are used in this chapter, they shall have the meaning ascribed to them in Chapter 10.04 of this code. (Ord. CS-022, 2009)

11.32.020 Beaches—Scope.

For the purpose of this chapter, beaches shall include all beach areas bordering the Pacific Ocean, the Batiquitos Lagoon, the Buena Vista Lagoon and the Agua Hedionda Lagoon. (Ord. 3222 § 2, 1987)

11.32.030 Unlawful acts.

It is unlawful for any person to do any of the following mentioned acts in or upon any park or beach within the city:

1. To dump or deposit any trash, refuse, rubbish, litter, or other kind of waste materials, except in approved containers specifically placed and designated to receive such waste materials;

2. To start or maintain any fire, except in such areas as are specifically designated by the city manager for such fires, including stoves, barbecue pits, fire rings and the like;

3. To commit any act of vandalism, including the damaging or destroying of trees or their leaves, limbs or branches, bushes, shrubbery, equipment, signs, buildings or rooms, or to tear down or to deface the same, or to pick any crops, fruit or flowers in any portion of such public park or beach;

4. To bring into or use any firearms or air or gas or spring-propelled guns, sling shots, bows and arrows, except that bows and arrows may be permitted in such portions of public parks or beaches which are specifically designated by the city manager for archery or other projectile-throwing devices;

5. To discharge or set off firecrackers, torpedoes, rockets or other fireworks except where a special event permit has been granted pursuant to Chapter 8.17;
6. To stable, pasture or keep animals or insects;
7. To bring into a public park or beach any cattle, horse, mule, goat, sheep, swine, cat, other animal, fowl or reptile of any kind except as hereafter specifically provided or as otherwise permitted by the city manager or designee or with a valid special event permit or park and facility use permit;
8. To enter any portion of a public park or beach in the city, or buildings or portions thereof in such public parks and beaches which are posted with signs stating "no entry," "keep out," "no trespassing," "closed area" or other prohibition of entry;
9. To enter any portion of or be in a public park or beach in the city at a time of the day, or on a day of the week, when such entry is prohibited by a clearly legible sign posted at each entrance to such public park or beach. The city manager is given authority to post such signs;
10. To park any vehicles or trailer in any public park or beach in the city, except in areas specifically designated as parking areas by the city manager or designee;
11. To ride or lead horses, or to hitch, fasten, lead, drive or let loose any animal or fowl of any kind. Dogs are not allowed in Carlsbad’s parks or on Carlsbad’s beaches.
   a. Notwithstanding any other provisions of this chapter, this section does not apply to Batiquitos Lagoon, Buena Vista Lagoon or Agua Hedionda Lagoon.
   b. This prohibition does not apply to a dog accompanying an unsighted person, or other person who by reason of medical necessity must be accompanied by a dog, dogs while assisting peace officers in law enforcement duties, dog parks or other areas specifically designated for dog use by the city council, or to dogs participating in shows or obedience classes authorized by the Carlsbad community services department on specified areas of parks or beaches.
   c. This prohibition does not apply to Leo Carrillo Ranch Historic Park with a valid park and facility use permit issued by the city manager or designee authorizing one or more horses, ponies, or horse drawn carriages;
12. To construct or erect on any portion of a public park or beach in the city any building, fence or structure of whatever kind, whether permanent or temporary in character, or run, or string or install any public service utility into, upon or across such lands, except on special written permit of the city manager or designee as to temporary items and of the city council as to permanent items. Each day such condition exists shall constitute a new and separate offense;
13. To park or stand any vehicle or trailer in any public park in the city between the hours of 11:00 p.m. and 5:00 a.m. daily, except as permitted by the city manager or designee;
14. To cut and remove any wood or to remove turf, grass, soil, rock, sand, gravel or fertilizer;
15. To camp or lodge in any park or beach except in those areas designated and posted as camping sites by the city manager or designee;
16. To play or engage in any sport or sporting event in any picnic area;
17. To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition;
18. For any groups consisting of 25 or more persons to hold, conduct or participate in any celebration, parade, service, picnic, exercise, or other special event without having first obtained an approved park and facility use permit. This subsection shall not apply to any beach in the city;
19. To distribute any handbills or circulars, or to post, place or erect any bills, notice, paper, or advertising device or matter of any kind;
20. To sell or offer for sale or to rent or lease any merchandise, article or thing, whatsoever, unless granted a valid special event or park and facility use permit issued by the city council or designee;
21. To practice, carry on, conduct or solicit for any trade, occupation, business or profession of whatsoever kind or character without permission of the city council or city manager;
22. To use or operate any vehicles at any time, except as permitted by the city manager, or designee, in a park, designated streets or parking areas or as part of a supervised recreational activity or as authorized by the owners of the outer lagoon. This subsection does not apply to officers, agents or employees of the United States, the State of California, the city, or public utility companies or other local government agencies, when they are using motor-powered vehicle in the performance of their official duty, nor to the use of motor-powered vehicle in emergencies when it is necessary to use them for the preservation or protection of life or property, nor to utility companies using motor-powered vehicle for the installation, maintenance, repair or servicing of utility lines, generation, intake and outfall facilities, cooling water resources and other related facilities;

23. No person shall allow any dog owned by him or her or any dog subject to his or her control, custody, or possession, to enter upon any park within the city; provided, however, that this subsection shall not apply to dogs participating in shows or obedience classes authorized by the Carlsbad community services department in specified areas of parks, dog parks or other areas specifically designated for dog use by the city council. No person shall allow or permit any dog to destroy any real or personal property or to commit a nuisance on any park property. It is the duty of persons having control of a dog to curb such a dog while in a park area;

24. No person who is over six years of age shall enter or use any water closet, restroom, dressing room or other facility designated for exclusive use by persons of the opposite sex in a public park or beach;

25. For any person to assemble, collect or gather together in any walk, passageway or pathway set apart for the travel of persons through any park or beach or to occupy same so that the free passage or use thereof by persons passing along the same shall be obstructed in any manner;

26. Nothing herein contained shall prevent the operation of motor vehicles and free right of public access over, or across any validly dedicated public street or road in the city;

27. No person shall play or practice golf or swing any golf club within any park within the city, except in such areas and to the extent as may be authorized by posted signs authorized by the city manager or designee;

28. To sell or offer to sell food, or barter for or solicit a donation for food, without a valid park and facility use permit or special event permit, all applicable health permit(s) issued by County of San Diego department of health, and if required, a City of Carlsbad business license. This subsection shall not apply to any state, county or local government entity or other political subdivision;

29. To use any inflatable commonly known as “jump house,” “bounce house,” “jump bouncers,” “bouncy houses,” “fun houses,” or similar device without a valid park and facility use permit or special event permit. For purposes of this subsection, jump house, bounce house, jump bouncers, bouncy houses, fun houses, or similar is a structure that when inflated by a blower or similar inflating takes on a particular form where a person can bounce, jump, climb and slide on the inflatable device. The inflatable devices normally have safety features built into the design and are rugged with reinforced construction;

30. The temporary construction or use of a water slide, slip and slide, dunk tank, merry-go-round and climbing wall is prohibited except by permission of the city manager or designee;

31. To use radio or remote controlled cars or similar devices, excepting the beach area west of Carlsbad Boulevard, between Palomar Airport Road and Solamar Drive;

32. To use radio or remote controlled model aircraft or similar devices excepting the beach area west of Carlsbad Boulevard, between Palomar Airport and Solamar Drive, and excepting on any park’s natural turf baseball fields from 8:00 a.m. to 2:00 p.m., only if a scheduled league game or practice is not occurring, or as otherwise permitted by the city manager or designee provided appropriate signs are installed giving adequate notice of such excepted areas. (Ord. CS-077, 2010; Ord. CS-022, 2009; Ord. NS-557 § 1, 2000; Ord. NS-286 § 5, 1994; Ord. NS-56 § 3, 1989; Ord. NS-51 § 1, 1989; Ord. 3222 § 2, 1987)
11.32.040 Glass containers on beach—Prohibited.
A. It is unlawful for any person to have, possess or use any cup, tumbler, jar, bottle or container made of glass and used for carrying or containing any liquid for drinking purposes on any beach, any park or on any street, sidewalk, alley, highway, or parking lot immediately adjacent to such park or beach except by permission of the city manager or designee.
B. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken or the contents of which have been partially removed, shall enter, be or remain on any beach or on any street, sidewalk, alley, highway, bluff top or parking lot immediately adjacent to such beach except by permission of the city manager or designee.

(Ord. CS-022, 2009; Ord. NS-49 § 1, 1988; Ord. 3222 § 2, 1987)

11.32.050 Public dances.
It is unlawful for any person to present, conduct, hold, or participate in any public dance on any beach, park, navigable water area, or public right-of-way or city-owned property without first having obtained the permission therefor from the city council. (Ord. 3222 § 2, 1987)

11.32.060 Violations—Seizure of property.
The city manager, city police, or employees of the community services department shall have the authority to seize and confiscate any property, thing, or device used in violation of the terms of this chapter. (Ord. NS-286 § 5, 1994; Ord. 3222 § 2, 1987)

11.32.070 Carlsbad seawall—Pedestrians only.
The Carlsbad seawall sidewalk at the base of the bluff adjacent to Carlsbad State Beach between Tamarack Avenue and Pine Street shall be limited to pedestrians only. No person shall ride skateboard, inline skates, roller skates, toy vehicle, coaster, or similar form of transportation on the Carlsbad seawall sidewalk. Law enforcement personnel shall be exempt from the provision of this section when in the performance of their duties. (Ord. CS-139 § 3, 2011; Ord. NS-152 § 1, 1991; Ord. 3222 § 2, 1987)

11.32.080 Restriction of areas for exclusive use of surfboards.
The council determines that the unrestricted operation of surfboards and similar devices in that portion of the Pacific Ocean immediately adjacent to the public bathing beaches within the city, constitute a serious hazard and a threat to the safety of many thousands of bathers, particularly during the period between the 15th day of May and the first day of October. In order to reduce such hazard and promote public safety during such periods, it is essential that the operation of surfboards and similar devices be restricted within that portion of the Pacific Ocean most frequented by persons using the public beaches. The chief of police, in conjunction with the District Lifeguard Supervisor, District VI of the State Department of Natural Resources of Beaches and Parks, is authorized and directed to ascertain, designate, post and mark from time to time, areas for the use of surfboard riding exclusively. (Ord. 3222 § 2, 1987)

11.32.090 Hours surfboarding is prohibited.
It is unlawful for any person to ride, use or otherwise employ a surfboard or similar device in the surf along the beaches of the city between the hours of 11:00 a.m. and 5:00 p.m., Pacific Standard or Daylight Saving Time (whichever is in use) between the 15th day of May and the first day of October of any calendar year. Except that it is lawful to surfboard ride at any hour in any area ascertained, designated, posted and marked by the chief of police and the District Lifeguard Supervisor, District VI of the State Department of Natural Resources, Division of Beaches and Parks for the use of surfboard riding exclusively, pursuant to this chapter. (Ord. 3222 § 2, 1987)
11.32.100  **Application of Sections 11.32.080 and 11.32.090 to lifesaving devices.**
Sections 11.32.080 and 11.32.090 shall not apply to those surfboards or other devices used by or under the direction of the lifeguards for lifesaving purposes or for training purposes. (Ord. 3222 § 2, 1987)

11.32.110  **Smoking in public parks and beaches—Prohibited.**
It is unlawful for any person to smoke, including emitting or exhaling the fumes of any pipe, cigar, cigarette or any other lighted smoking equipment used for burning any tobacco product, weed or plant, or carry or hold a lighted pipe, cigar, cigarette or other lighted smoking products used for burning any tobacco product, weed or plant in a public park or public beach except in areas designated by the city manager, and indicated by signage, as smoking areas. In any location where smoking is prohibited, it shall also be unlawful for any person to use an electronic cigarette as defined in California Health and Safety Code Section 119405 ("e-cigarette") or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine. The provisions of this chapter do not apply in any circumstance where federal or state law regulates smoking or the use of e-cigarettes, if the federal or state law is more restrictive. (Ord. CS-237 § 3, 2013; Ord. NS-894 § 2, 2008)
Chapter 11.36

LOCATIONS AND STANDARDS FOR NEWSRACKS ON PUBLIC RIGHTS-OF-WAY

Sections:
11.36.010 Purpose and intent.
11.36.020 Definitions.
11.36.030 Prohibition.
11.36.040 Standards for newsracks.
11.36.050 Location of newsracks.
11.36.060 Applicability in residential zones.
11.36.061 Hold-harmless agreement.
11.36.062 Insurance requirement.
11.36.070 Display of harmful matter.
11.36.080 Enforcement.
11.36.090 Appeal.
11.36.100 Other violations.
11.36.110 Public nuisance.
11.36.120 Abandonment.
11.36.130 Violations.
11.36.140 Constitutionality.

11.36.010 Purpose and intent.
The city council of the city finds and declares that:
A. The uncontrolled placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.
B. Newsracks located so as to cause an inconvenience or danger to persons using public rights-of-way, and unsightly newsracks located therein, constitute public nuisances.
C. The uncontrolled proliferation of newsracks detracts from the appearance of streets, sidewalks, and adjacent businesses.
D. The uncontrolled placement of newsracks inhibits safe entry and departure of vehicles.
E. The uncontrolled placement of newsracks impairs the vision and distracts the attention of motorists and pedestrians, particularly small children and may cause injury to the person or property of such persons.
F. The placement of newsracks without a permit based on detailed findings in public rights-of-way adjacent to residential areas, detracts from and reduces neighborhood aesthetics and increases the exposure of residents to noise, traffic volume and hazards and congestion.
G. The provisions and prohibitions contained and enacted in this chapter are in pursuance of and for the purpose of securing and promoting the public safety and general welfare of persons in the city in their use of public rights-of-way. (Ord. NS-99 § 1, 1990)

11.36.020 Definitions.
Whenever the following words and phrases are used in this chapter, they shall have the meaning ascribed to them in this section:
“Blinder rack” means an opaque material placed in front of, or inside, a newsrack which prevents exposure of matter to public view.
“Cluster” means a group of newsracks placed side-by-side so as to appear in a continuous row.
“Distributor” means the person responsible for placing and maintaining a newsrack in a public right-of-way. “Harmful matter” means matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is a matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors. “Newsrack” means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the display, sale or distribution of publications. “Public right-of-way” means any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park, square, and any other similar public way. “Roadway” means that part of a public right-of-way that is designated and used primarily for vehicular travel. “Sidewalk” means that part of a public right-of-way that is designated and ordinarily used for pedestrian travel.

For the purposes of this section, the terms “harmful matter,” “matter,” “person,” “distribute,” “knowingly,” “exhibit” and “minor” have the meanings specified in Section 313.1 of the California Penal Code. For the purposes of this chapter, the term “blinder rack” means an opaque material placed in front of, or inside a newsrack or on a newsstand which prevents exposure of matter to public view. (Ord. NS-323 §§ 1, 2, 1995; Ord. NS-273 § 1—3, 1994; Ord. NS-104 § 1, 1990; Ord. NS-99 § 1, 1990)

11.36.030 Prohibition.
Newsracks are prohibited on property owned by the city or by the public except that newsracks may be installed, placed and maintained on a public right-of-way subject to the issuance of a business license pursuant to this chapter. Each distributor must obtain a business license as provided in Carlsbad Municipal Code Chapters 5.04 and 5.08, and at that time execute a hold-harmless agreement in favor of the city and show proof of insurance as specified in this chapter, naming the city as an additional insured.

The ordinance codified in this section shall have a delayed operative date of January 1, 1996. Newsracks lawfully in existence upon enactment of the provisions contained herein shall be allowed to remain at their location in their condition until January 1, 1996, at which time they must be brought into conformance with this chapter and distributors must have a business license. (Ord. NS-323 § 3, 1995)

11.36.040 Standards for newsracks.
Any newsrack which rests in whole or in part upon, in or on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall comply with the standards set forth in this section.

A. No newsrack shall exceed 50 inches in height, 27 inches in width, or 24 inches in depth.

B. No advertising signs or material, other than those dealing with the name of the publication contained within the newsrack, shall be displayed on the outside of the newsrack.

C. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event he or she is unable to receive the publication paid for, unless the publication is provided free of charge.

D. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this chapter.
E. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
   1. It is reasonably free of dirt and grease;
   2. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
   3. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereof;
   4. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
   5. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
   6. The structural parts thereof are not broken or unduly misshapen.

F. Newsracks shall be of unobtrusive neutral colors of gray, black or brown to blend in with the streetscape. Lettering may be black and/or white. However, the bottom six inches of the newsrack door may be of other colors that may be identified with the publication.

G. Newsracks lawfully in existence on June 1, 1989 shall be allowed to remain at the same location, provided they are not determined to be a public nuisance or dangerous to the public safety or general welfare, for a period of one year following adoption of the ordinance codified in this chapter. In order to benefit from this subsection, a distributor must report the number and location of all newsracks existing on June 1, 1989 to the engineering department within 60 days of the effective date of the ordinance codified in this chapter which shall compile an inventory of such existing newsracks. Such inventory list shall be conclusive as to the location and existence of such newsracks. Thereafter, all such newsracks shall be required to comply with all provisions of this chapter. (Ord. NS-323 § 4, 1995; Ord. NS-99 § 1, 1990)

11.36.050 Location of newsracks.

Any newsrack which rests in whole or in part upon, in, or on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

A. No newsrack shall be located in whole or in part in any roadway.

B. Newsracks may be located near a curb (or if there is no curb, the edge of the roadway) or to the rear of a sidewalk, farthest from the street or roadway. Newsracks located near a curb shall be placed not less than 18 inches nor more than 24 inches from the edge of the curb. Newsracks placed adjacent to the rear of the sidewalk shall be placed parallel to any wall and at least six inches from the wall. No newsrack shall be located directly in front of any display window of any commercial building abutting a sidewalk or roadway except near the curb without written permission of the owner of the business.

C. Newsrack mounts shall be bolted in place in accordance with specifications provided by the city.

D. Newsracks may be placed next to each other, provided that no cluster of newsracks shall extend for a distance of more than 10 feet.

E. No newsrack shall be placed, installed, used or maintained:
   1. Within 25 feet of a curb-return or driveway approach. In no case shall a newsrack impair the sight distance of a vehicle or pedestrian proceeding along, or ingressing or egressing the public right-of-way, as may be determined by the transportation director;
   2. Within five feet of any fire hydrant, fire call box, police call box or other emergency facility;
   3. Within five feet of the outer end of any bus bench;
   4. Within three feet ahead or 15 feet to the rear of any sign marking a designated bus stop;
5. Within three feet of the outer end of any bus bench;
6. At any location whereby the clear space of the passageway of pedestrians is reduced to less than five feet; in the case of sidewalks that are 10 feet wide, the placement of the newsrack shall allow for a pedestrian passageway of not less than six feet in width;
7. Within three feet of or on any publicly maintained property improved with lawn, flowers, shrubs, trees or other landscaping;
8. Within 20 feet of any other cluster of newsracks whether or not containing the same publication;
9. Within five feet of a curb painted blue, pursuant to the provisions of California Vehicle Code Section 21458;
10. Within 500 feet of a school site. The provisions contained in this subsection shall not apply if compliance with the provisions would prohibit the placement of newsracks for a distance of 1,000 feet on the same side of the street in the same block;
11. Where placement unreasonably obstructs, interferes with, or impedes access to or use of abutting property, including but not limited to, residences, places of business, or legally parked or stopped vehicles. (Ord. CS-164 § 2, 2011; Ord. NS-323 § 6, 1995; Ord. NS-99 § 1, 1990)

11.36.060 Applicability in residential zones.
Newsracks shall not be located on any street identified in the circulation element of the city general plan as a local or collector street within any area of the city zoned for single-family residential uses. If no prime or major arterial is located within one-half mile of a residential neighborhood, the distributor may petition the city engineer for a permit. (Ord. NS-323 § 7, 1995; Ord. NS-99 § 1, 1990)

11.36.061 Hold-harmless agreement.
Each business license issued pursuant to this chapter shall be subject to a requirement that the licensee agrees to defend, indemnify and hold harmless the city and its officers and employees from any claim, damage or liability arising from the placement or location of the newsrack or its operation. (Ord. NS-323 § 8, 1995)

11.36.062 Insurance requirement.
No person, association, firm or corporation shall place, locate or maintain a newsrack on public rights-of-way unless there is on file with the city finance department, in full force and effect at all times, a document issued by an A-:V rated insurance company authorized to do business in the State of California evidencing that the licensee is insured under a liability insurance policy providing minimum coverage of $500,000.00 for each person who suffers injury or death arising out of the location, placement or operation of the licensee’s equipment. A separate certificate is not required for each newsrack so long as the certificate evidences coverage for all newsracks placed, located or maintained by the person, association, firm or corporation involved. (Ord. NS-323 § 9, 1995)

11.36.070 Display of harmful matter.
No person shall display, or cause to be displayed, harmful matter in any newsrack in a public place, other than a public place from which minors are excluded, unless a blinder rack has been installed in front of the matter, so that the lower two-thirds of the material is not exposed to view. (Ord. NS-273 § 4, 1994; Ord. NS-104 § 2, 1990)

11.36.080 Enforcement.
Commencing January 1, 1996, any newsrack which has not obtained a business license in accordance with this chapter upon initial application or renewal, shall be deemed nonconforming. Upon a determination by the city engineer that a newsrack has been installed, used or maintained in violation of any of the provisions
of this chapter, the city engineer shall cause an order to be issued to the distributor to correct the offending condition. The order shall be telephoned to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested to the distributor at the address shown on the notice required by Section 11.36.040. The order shall specifically describe the offending condition and specify actions necessary to correct it. If the distributor fails to correct properly the offending condition within three days (excluding Saturdays, Sundays and other legal holidays) after receipt of the order, or file an appeal as permitted under Section 11.36.090, the city engineer shall cause the offending newsrack to be summarily removed and processed as unclaimed property under applicable provisions of law relating thereto. If the distributor of the offending newsrack cannot be identified, the newsrack shall be removed immediately and processed as unclaimed property under applicable provision of law. The foregoing provisions are not exclusive, and are in addition to any other penalty or remedy provided by law. (Ord. NS-323 § 10, 1995; Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)

11.36.090 Appeal.
Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this chapter may appeal and shall be advised of his or her right to appeal to the city manager. An appeal must be perfected within three working days after receipt of the notice of any decision or action by filing with the city engineer a letter of appeal briefly stating therein the basis for such appeal. The hearing shall be held on a date no more than 10 days after receipt of the letter of appeal. Appellant shall be given at least five days' notice of the time and place of the hearing. The city manager shall give the appellant and any other interested party the reasonable opportunity to be heard, in order to show cause why the determination of the city engineer should not be upheld. Within five days of the hearing the city manager shall make a written decision. The city manager’s decision may be appealed to the city council by filing a written notice of appeal with the city clerk within 10 calendar days of the date of the decision of the city manager. Fees for filing an appeal shall be set by resolution of the city council. (Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)

11.36.100 Other violations.
In the case of minor violations of this chapter that can be corrected on the spot, any city employee, as an alternative to removal of the newsrack, is authorized to correct the violation summarily. (Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)

11.36.110 Public nuisance.
Any newsrack, or any publication offered for sale or distribution, in violation of this chapter shall constitute a public nuisance, and may be abated in accordance with applicable provisions of law. (Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)

11.36.120 Abandonment.
In the event a newsrack remains empty for a period of 30 continuous days, the same shall be deemed abandoned, and may be treated in the manner as provided in Section 11.36.080 for newsracks in violation of the provisions of this chapter. (Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)

11.36.130 Violations.
Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth or each additional violation of a provision within one year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010. (Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)
11.36.140 Constitutionality.
If any section, subsection, sentence, clause, phrase or part of this chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of this chapter. The city council declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases, or parts be declared invalid or unconstitutional. (Ord. NS-104 § 3, 1990; Ord. NS-99 § 1, 1990)
Chapter 11.40

BRIDGES

Sections:
11.40.010 Purpose and intent.
11.40.020 Definitions.
11.40.030 Prohibition.
11.40.040 Violations.
11.40.050 Constitutionality.

11.40.010 Purpose and intent.
The purpose of this chapter is to protect the public health and safety by prohibiting jumping, diving and fishing from public bridges. (Ord. NS-382 § 1, 1996)

11.40.020 Definitions.
Wherever the following words, terms or phrases are used in this chapter, they shall be construed as defined in the following subsections unless from the context in which the word, term, or phrase is used, a different meaning is specifically defined or intended.

"Bridge" means any portion of a public road or right-of-way which crosses water or land at an elevation higher than the water or land on a structure with a single or multiple span with a total length of 20 feet or more.

"Public property" means any bridge, road or crossing which is owned by the City of Carlsbad. (Ord. NS-382 § 1, 1996)

11.40.030 Prohibition.
It is unlawful for any person to jump, dive or fish from any bridge located on public property where prohibited by signs posted thereon, excepting the bridge on north Carlsbad Boulevard over the Buena Vista Lagoon. (Ord. NS-382 § 1, 1996)

11.40.040 Violations.
Any person who violates any provision of this chapter is guilty of an infraction except for the fourth or each additional violation of a provision within one year which shall be a misdemeanor. Penalties for violation of this chapter shall be as designated in Section 1.08.010. (Ord. NS-382 § 1, 1996)

11.40.050 Constitutionality.
If any section, subsection, sentence, clause phrase or part if this chapter is for any reason is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of this chapter. The city council declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or parts thereof, irrespective of the fact that any one or more sections, subsection, clauses, phrases, or parts be declared invalid or unconstitutional. (Ord. NS-382 § 1, 1996)
Chapter 11.44

PRIVATE PARTY SIGNS ON CITY PROPERTY

Sections:

11.44.005 Purpose and intent.
11.44.010 Signs must be permitted or exempted.
11.44.020 City property sign permits; application forms and procedures.
11.44.030 Temporary political, religious, labor protest and other noncommercial signs in traditional public forum areas.
11.44.040 Exemptions from permit requirement.
11.44.050 Permits for A-frame signs in the Carlsbad Village Review area, bearing commercial messages for adjacent establishments or noncommercial messages.
11.44.060 Real estate for sale “kiosk” signs in particular locations.
11.44.070 Temporary political and other noncommercial signs in the public right-of-way during campaign periods.
11.44.080 Signage associated with special events.
11.44.090 Use of public land for banners.
11.44.100 City-wide way-finding signs.
11.44.110 Remedies and penalties.
11.44.120 Violations.
11.44.130 Severability.

11.44.005 Purpose and intent.
A. Purpose. The purpose of this chapter is to identify what types of private party signs are allowed to be displayed on city property, particularly in the public right-of-way, and the specific standards under which they may be displayed. The city’s proprietary ownership rules for permitted signage on city property, particularly in the public right-of-way, which are contained in this chapter, supplement the city’s sign ordinance (Chapter 21.41 of this code), which deals with permitted signage on private property. The definitions in Chapter 21.41 apply to this chapter.

B. Intent. The city declares its intent that all city property shall not function as a designated public forum, unless some specific portion of city property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any. (Ord. CS-227, 2013)

11.44.010 Signs must be permitted or exempted.
The provisions of the chapter shall apply generally to all zones within the city, including the Village Review Zone. No “sign” as defined in the sign ordinance (Chapter 21.41), may be displayed on city property, unless a city property sign permit has first been issued, or the subject sign is expressly exempted from the city property sign permit requirement by this chapter.

A sign may be affixed, erected, constructed, placed, established, mounted, created or maintained only in conformance with the standards, procedures and other requirements of this chapter. The standards regarding number and size of signs regulated by this chapter are maximum standards, unless otherwise stated. (Ord. CS-227, 2013)

11.44.020 City property sign permits; application forms and procedures.
The city planner shall prepare and make available to the public a form for application for a city property sign permit (permit), which shall, when fully approved, constitute a permit and indicate the city’s consent, in its proprietary capacity, for placement of a sign. The applicant for the permit must be the same person or entity
who is to be the owner of the sign. The processing fee for each application, which shall not be refundable even if the application is denied, shall be the same as the fee for a sign permit under the sign ordinance.

Any city property sign permit issued in error may be summarily revoked by any officer of the city, by simply informing the applicant of the nature of the error in issuance; any applicant whose permit is revoked as issued in error may, at any time thereafter, submit a new permit application which cures any deficiencies in the original application. The application fee shall apply separately to each new application, unless the original error was in processing by the city. Applications which fully comply with the terms and conditions of this section shall be duly issued. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as denials of sign permits, as described in the sign ordinance. (Ord. CS-227, 2013)

11.44.030 Temporary political, religious, labor protest and other noncommercial signs in traditional public forum areas.

This section applies only when the special events chapter of this code (Chapter 8.17) does not. In areas qualifying as traditional public forums, such as the surfaces of city streets, parks and sidewalks, as well as the surfaces of exterior areas immediately around city hall, persons may display noncommercial message signs without first obtaining a city property sign permit, subject to all of the following:

A. Each sign must be personally held by a person, or personally attended by one or more persons. “Person-ally attended” means that a person is physically present within five feet of the sign at all times.

B. The signs may be displayed only during the time period of sunrise to sunset, except on evenings when a public hearing is being held at city hall and on days when the polls are open; on such occasions, the display may continue until one hour after the close of the public hearing or one hour after the close of the polls.

C. The maximum aggregate size of all signs held by a single person is 10 square feet.

D. The maximum size of any one sign which is personally attended by two or more persons is 50 square feet.

E. The displayed signs may not be inflatable, inflated or air-activated.

F. In order to serve the city’s interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by.

G. This section does not override Elections Code 18370, which prohibits sign display and electioneering within 100 feet of a polling place on election day. (Ord. CS-227, 2013)

11.44.040 Exemptions from permit requirement.

The following signs are exempted from the permit requirement: traffic control and traffic directional signs erected by the city or another governmental unit; official notices required by law; signs placed by the city in furtherance of its governmental functions or proprietary capacity; signs expressing the city’s own message to the public and signs allowable under Section 11.44.030 and Section 11.44.100 of this chapter. (Ord. CS-227, 2013)

11.44.050 Permits for A-frame signs in the Carlsbad Village Review area, bearing commercial messages for adjacent establishments or noncommercial messages.

A. Intent as to Public Forum. The areas and times controlled by this section are designated to constitute a limited access, nonpublic forum which is strictly limited to commercial messages for adjacent establishments or noncommercial messages, and which is open only to those persons described in this section and on the terms stated in this section.
B. Where A-Frames May Be Placed—Physical Standards.

1. “A-frame” signs, as that term is defined in the sign ordinance, may be placed in particular portions of the public right-of-way, within the Carlsbad Village Review area only, namely, on the public sidewalk directly in front of the store or other establishment displaying the sign.

2. Such signs may have no more than two display faces, every display face shall be a flat, smooth surface, and remain completely free of dangerous protrusions such as tacks, nails or wires; however, cutouts of any shape are allowed. Sign faces shall be back to back. No banners, ribbons, streamers, balloons, or attachments of any kind may be affixed to the sign. The sign may not use any moving parts or include a display face which is hinged, or which otherwise swings or hangs from a frame. Glass, breakable materials, and illumination are prohibited. The signs shall be physically stable and balanced flat on the sidewalk. The sign must be self-supporting, stable and weighted or constructed to withstand overturning by normal wind currents or contact.

3. All such signs may be placed in the permitted space on the public right-of-way only when the establishment is actually open to the public for business. A person employed by or associated with the establishment must be physically present within 50 feet of the sign at all times. The sign must be placed on the public sidewalk within the two feet closest to the curb or edge of the sidewalk, directly in front of the establishment which owns the sign. Noncommercial messages may also be displayed on the sidewalk in the Village Review Area, subject to the same rules regarding location, display times and physical standards as commercial signs for adjacent establishments. Non-commercial signs must also be attended by a person who is within 50 feet of the sign at all times; however, the attendant need not be employed by or associated with an adjacent establishment. Any one person may act as an attendant to only one noncommercial sign at a time.

4. Each display face shall have a maximum area of 15 square feet, and shall not exceed five feet in height or three feet in width. Changeable text area of the sign may not exceed 50% of the display face. No such sign may have special illumination or parts which move, flash, blink, fluoresce or use digital display. Fluorescent or “day glow” colors are not allowed. Paper and other nonrigid changeable text areas are not allowed.

5. The sign shall not be permanently affixed to any object, structure, or the ground, including utility poles, light poles, trees or other plants, or any merchandise of products displayed outside permanent buildings.

6. At no time may the sign be placed in the street or in any position which impedes the smooth and safe flow of vehicular and pedestrian traffic, or which interferes with driver or pedestrian sight lines or corner clear zone requirements as specified by the city. No sign shall be placed in such a manner as to obstruct access to a public sidewalk, public street, driveway, parking space, fire door, fire escape or access for persons with disabilities. A clear area of at least five feet in width must be maintained for pedestrian use over the entire length of the sidewalk in front of the establishment.

7. Signs shall not obscure or interfere with the effectiveness of any official notice or public safety device. Signs shall not simulate in color or design a traffic sign or signal, or make use of words, symbols, or characters in such a manner as may confuse pedestrians or drivers.

8. Every sign and all parts thereof shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from dust, rust and corrosion. Any cracked, broken surfaces, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced or removed within 15 days following notice by the city.

9. As to commercial signs for adjacent establishments, commercial copy must pertain to the adjacent establishment, and must refer or pertain to goods, activities or services which are actually available in the subject store at the time the sign is displayed.

10. Signs displayed under this section may not be used for general advertising for hire.
C. Who May Display an A-frame Sign in the Village Review Area. The commercial A-frame signs allowed by this section may be displayed only by the operators of establishments with ground floor frontage on streets within the Village Review Area, who hold a currently valid city business license, who are not currently in violation of, or nonconformance with, any of the zoning, land use, environmental or business regulatory laws, rules or policies of the city. Persons acting as the official attendant of noncommercial message signs must be over the age of 18.

Each eligible establishment location is allowed a maximum of one A-frame sign. However, when an establishment is located within a business arcade or courtyard area, in which case only one “tenant directory” sign, which lists all of the establishments within the arcade or courtyard, is allowed. The display area of the permitted A-frame sign shall not count as part of the total signage for the establishment, which is allowed under the Village Master Plan and Design Manual.

D. Transfer of Permit. The permit attaches to the establishment at the location specified. If the establishment is sold or transferred, and remains at the same location, then the permit shall automatically transfer to the new owner or transferee, who shall be bound to the terms and conditions of the original permit. However, if the establishment which first obtained the permit moves to a different location, or if the original location is then taken by a new establishment, a new application and permit shall be required.

E. Term of Consent Indicated by Permit; Revocation and Renewal. The permit is revocable or cancelable at will by the city. However, the city will cancel a permit without cause only when it does so to all permittees who are similarly situated. Any permit may be revoked for noncompliance, 30 calendar days after notice of noncompliance remains uncured, or in the case of a noncompliance condition which constitutes a threat to the public health, safety or welfare, summarily. When a permit is revoked, the owner of the sign must physically remove it from the public right-of-way within 24 hours of notice of revocation; upon failure to do so, the city may summarily remove the sign and hold it in storage until all costs of removal and storage are paid by the sign owner, upon which condition the sign shall then be returned to its owner. There is no guarantee that the city will continue the provisions stated herein. Permittees hold no expectation of renewal of any given permit, acquire no vested right to continue displaying the sign on city property, and waive all claims of inverse condemnation (uncompensated taking of private property) as to the permitted sign, when they submit the original application.

F. Temporary Removal. The city may give notice, by any reasonable means, that consent to display an A-frame is or shall be withdrawn temporarily so as to serve a more urgent or more important public need, such as, without limitation, dealing with a natural disaster, a traffic emergency, a temporary need to make more space available on the public right-of-way, a civil disturbance, a parade, an election, or other special event. In urgent situations, the city may summarily remove a permitted sign without notice, for a time sufficient to deal with the urgency. All permittees shall comply with all notices to temporarily remove the permitted signs, and to return them to display only in accordance with the city’s directions.

G. Insurance and Indemnity. A permit under this section will be issued only to an applicant who provides evidence of comprehensive general liability insurance coverage, in a form satisfactory to the city planner and risk manager, which shall name the city as an additional insured and provide 30-day notice of cancellation. The minimum liability coverage on such policy shall be one million dollars; such coverage shall apply to claims of personal injury including death, property damage and advertising injury. Application for a permit shall constitute an agreement to hold harmless, defend and indemnify the city against all claims relating to property damage or personal injury, including death, which assert that the permitted sign played any legally significant role in the creation of the liability.

H. Cancellation or Modification of Program. The city may, at any time and for any reason, cancel or modify this program allowing commercial A-frame signs in the public right-of-way in the Village Review Area. (Ord. CS-227, 2013)
11.44.060 Real estate for sale “kiosk” signs in particular locations.

A. Intent as to Public Forum. The city’s intent as to this section is to designate a strictly limited public forum, which allows only the posting in convenient places of directional information regarding tract housing developments which are currently selling homes located within the city.

B. Kiosk Signs for New Tract Housing Developments. Kiosk signs are permanent freestanding structures, not exceeding 10 feet in height, seven feet in width, which contain modular information strips, not exceeding 10 inches in height, six feet in width, providing information about tract housing developments (of more than four units) which are currently selling new homes located within the city. Such signs may display only the following information: the name of the development, developer and/or marketer thereof, and the direction to the development from the sign.

1. Each kiosk will have “City of Carlsbad” and the city logo displayed in a prominent location on the sign.

2. One kiosk design will be utilized throughout the city. This kiosk design is on file in the planning division. All tract housing development signs mounted on the kiosks shall be the same design and shall be white wood with contrasting reflective lettering. Letters shall be consistent in size, width and thickness of print. Letters shall be all upper case letters not more than six inches in height.

3. Individual tract housing development directional signs must be approved by the city planner prior to mounting on a kiosk to ensure compliance with this section. In no case shall a sign be mounted on a kiosk before building permits have been issued for the model homes.

4. There shall be no additions, tag signs, streamers, devices, display boards, runners or riders or appurtenances added to the sign as originally approved. Further, no other off-site directional signing may be used such as posters, trailer signs or temporary subdivision directional signs.

5. Any sign placed contrary to the provisions of this section may be removed by the city without prior notice.

6. Each approved tract housing development may have up to a maximum of eight directional signs. Upon approval by the city planner, directional signs shall be permitted until the homes within the housing development are sold or for a period of one year, whichever comes first. Extensions not exceeding one year may be granted by the city planner.

7. A tract housing development neighborhood shall not be allowed any directional kiosk signs if there are any other offsite signs advertising the housing development anywhere in the city. If any advertising signs are erected and not promptly removed upon demand by the city, all kiosk signs for that subdivision shall be removed, the lease cancelled and no refund given.

C. Private Contractor for Management of the Kiosks. The city may enter into a contract with a private contractor to design, erect, modify, replace, maintain and manage the kiosk signs allowed by this section. Such contract must be approved by the city council, and may require that the contractor pay to the city a rent or royalty on advertising revenues. All the terms of said contract, and all payments to the city hereunder, shall be public information.

D. Insurance Requirement. In the event the city selects a private party contractor to manage the kiosks, the city may require the private party contractor to provide evidence of comprehensive general liability insurance coverage, in a form satisfactory to the city planner and risk manager, which shall name the city as an additional insured, and provide 30 days notice to the city of cancellation. The minimum liability coverage on such policy shall be one million dollars. Any private party contract must include a provision for the contractor to hold harmless, defend and indemnify the city against all claims relating to property damage or personal injury, including death, which assert that the kiosk sign played any legally significant role in the creation of the liability.

E. Allowable Locations. The kiosks allowed by this section may be located only as shown on the approved location map on file with the planning division. The city planner is authorized to approve the re-
11.44.070

Temporary political and other noncommercial signs in the public right-of-way during campaign periods.

A. Intent as to Public Forum. In this section only, the city’s intent is to designate a public forum which is available only at limited times and places for sign expression on political and other noncommercial topics, without favoritism as to any speaker, topic or point of view. The display opportunities afforded by this section are in addition to those in the sign ordinance which allow noncommercial speech at all times.

B. Temporary Noncommercial Sign Permit; Application Forms and Procedures. The procedure for the approval of a temporary noncommercial sign permit is as follows:

1. The zoning enforcement officer shall provide notice in the temporary noncommercial sign permit application to candidates and/or their state/local campaign committee chairs for national, state, local or county office and chairs of campaign committees for or against any measure appearing on the ballot for a statewide, local or county election of the temporary campaign sign requirements as provided herein.

2. Prior to the posting of any temporary noncommercial signs in the public right-of-way (excluding median strips), the candidate, the chair of a campaign committee or any other person designated by the candidate or chair who is responsible for the posting of said sign, shall obtain a temporary noncommercial sign permit. The permit, on a form prescribed by the city, shall include the name, address and phone number of the candidate or campaign chair and any person responsible for the posting of signs. The permit shall be signed by the candidate, chair or person responsible for the posting of the signs.

C. Time Period. The signs allowable under this section may be displayed only during the period of time, 30 days preceding and five days following a general, special or primary election. All political and other noncommercial message signs must be removed from the public right-of-way, by the permittee or designee, not more than five days after the election.

D. Locations. This section allows the display of signs expressing political or other noncommercial messages. The signs allowable under this section may be placed in the public right-of-way (excluding median strips) adjacent to the public streets identified on the city council approved campaign sign placement map on file with the planning division.

E. Persons Who May Receive a Permit under this Section. Any person who will abide by the terms and conditions of this section may receive a permit. Removal, defacement, alteration, obliteration, destruction or tampering with signs permitted under this policy without the permission of the owner is prohibited. Such signs may not be placed in such a manner as to obscure or cover, in whole or in part, any other sign permitted under this section.

F. Physical Requirements. Signs which are allowable under this section may not exceed six square feet in display area, must be made of materials and construction methods to withstand normal weather conditions for the period of display, and mounted in such a manner that they will not be blown away or dislodged by normal weather and climate conditions for the area. Each sign must be mounted at least one foot above grade, and no higher than six feet above the grade. Permitted signs may not be specially illuminated.

No sign shall be:

1. Attached to any utility pole, box or standard, bus bench, pole or structure supporting a traffic control sign or device (streetlight, traffic signal), or any fire hydrant.

2. Placed on any tree or shrub by any nail, tack, spike or other method which will cause physical harm to the tree or shrub.
3. Placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road right-of-way.

4. Placed in the roadway or on the sidewalk.

5. Placed in a median strip.

6. Placed in that portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different than the owner.

G. Removal of Nonconforming Signs. Signs which do not conform to this section or any permit issued under this section may be summarily removed by the city upon discovery of the nonconformance. (Ord. CS-227, 2013)

11.44.080 Signage associated with special events.
When the city allows a special event pursuant to Chapter 8.17 of this code, the special event committee shall approve the location, number, duration of posting, and content for “Road Closure Notification” and “Traffic Control/Directional” signs as described in the code. The special event committee shall approve the location and duration of posting for special event venue signs as described in this code.

Signs within the venue shall conform to the size requirement and may only be posted during the time authorized in the special event permit and Chapter 8.17 of this code. (Ord. CS-227, 2013)

11.44.090 Use of public land for banners.
Banners may be placed by the city on city property in the public right-of-way for any message, event or program officially sponsored, co-sponsored, or supported, by the city which provides a public benefit, as approved by resolution of the city council. (Ord. CS-227, 2013)

11.44.100 City-wide way-finding signs.
A. Intent as to Public Forum. The city’s intent as to this section is to designate a strictly limited forum, which allows the city to post way-finding (directional) signs on city property to guide residents and visitors to public buildings or facilities, quasi-public buildings, city neighborhoods, philanthropic organizations, cultural/historical destinations, tourist destinations and points of public interest throughout Carlsbad. Other uses, locations or destinations may be allowed to post way-finding signage if approved by resolution of the city council.

Way-finding signs are expressly permitted for the following buildings/facilities/uses:
1. Public buildings and facilities: City of Carlsbad, county, state and federal buildings;
2. City facilities: city buildings, uses, parking lots, golf course, parks and trails, etc.;
3. Quasi-public buildings: chamber of commerce, Carlsbad visitors center, train stations;
4. Cultural/historical destinations: museums;
5. Points of public interest: city lagoons, ocean beaches, nature/interpretive centers, the flower fields, the strawberry fields, Legoland, the village area;
6. City entries and neighborhood entries; and
7. Philanthropic organizations: Lions Club, Rotary Club, Kiwanis Club, etc.

B. The following way-finding signs may be allowed if approved by resolution of the city council:
1. Tourist destinations;
2. Locations or destinations where way-finding signage would be of public benefit; and
3. Way-finding signs designed as archway signs located over major roads within the city.
C. The design and location of the city’s way-finding signs shall be as approved by the city planner, city engineer, city traffic engineer, and communications manager.

D. All way-finding signs shall be installed by the city. (Ord. CS-262 § II, 2014; Ord. CS-227, 2013)

11.44.110 Remedies and penalties.
Any sign posted on city property, contrary to the ordinance stated herein, may be summarily removed as a trespass and a nuisance by the city. Any sign, which has been properly removed under this chapter, may be returned to the owner upon payment to the city of the costs of removal. If no timely request is made for hearing or if no demand is made for the return of the sign removed, the community and economic development director, or designee, is authorized to destroy or dispose of the removed sign not earlier than 30 days after the removal of such sign. (Ord. CS-227, 2013)

11.44.120 Violations.
A. It is unlawful for any person to:
   1. Install, mount, affix, create, erect, display or maintain any sign in a manner that is inconsistent with this chapter or any permit for such sign;
   2. Install, mount, affix, create, erect, display or maintain any sign requiring a permit without such a permit; or
   3. Fail to remove any sign which the community and economic development director or designee has ordered to be removed for being in violation of this chapter.

B. Violations of any provisions of this chapter shall be subject to the enforcement remedies and penalties provided for herein and in Chapter 1.08 of this code. The city may also pursue any civil remedies provided by law, including injunctive relief, as to signs not in conformance with this chapter:
   1. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter; and
   2. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter. (Ord. CS-227, 2013)

11.44.130 Severability.
If any section, subsection, sentence, clause phrase or part of this chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall be in full force and effect. The city council hereby declares that it would have adopted this chapter with each section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or parts be declared invalid or unconstitutional. (Ord. CS-227, 2013)
Title 12

(RESERVED)
Title 13

SEWERS

Chapters:

13.04 General Regulations
13.06 Discharge of Fats, Oils and Grease
13.08 Payment for Line Cost
13.10 Sewer Connection and Capacity Permits and Fees
13.12 Sewer Service Charges
13.16 Discharge of Industrial Waste
13.20 Septic Tank Systems
Chapter 13.04

GENERAL REGULATIONS*

Sections:
13.04.010 Definitions.
13.04.020 Unsanitary deposits.
13.04.030 Use of public sewers required.
13.04.035 Sewage discharge prohibited.
13.04.040 Sewer connection permit required.
13.04.045 Responsibility for maintenance.
13.04.050 General prohibitions.
13.04.070 Damaging sewage works.
13.04.080 Violations of chapter.
13.04.090 Public health, safety and welfare violations.

* Prior ordinance history: Ord. Nos. 5032 and 7023.

13.04.010 Definitions.
For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Best management practices" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewer facilities.

"Department" means the utilities department of the city.

"Discharger" means any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as user.

"FOG" or "fats, oils and grease" means any substance such as vegetable or animal products that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"FOG control program" means the FOG control program required by and developed pursuant to State Water Resources Control Board Order No. 2006-0003.

"Food grinder" means any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by-products for the purpose of disposing it in the sewer system.

"Food service facility" means facilities defined in California Uniform Retail Food Service Facility Law (CURFFL) Section 113789, and any commercial entity within the boundaries of the city’s service area, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL Section 113789. A limited food preparation establishment is not considered a food service facility when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

"Garbage" means the animal and vegetable waste from the handling, preparation, cooking, and dispensing of food.
“Grease” means any material which is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in standard methods. “Grease” includes fats and oils.

“Grease control device” means any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. “Grease control device” may also include any other proven method to reduce FOG subject to the approval of the city.

“Grease interceptor” means a pretreatment device designed and installed to separate fats, oils, and grease from wastewater.

“Grease trap” means a grease control device that is used to serve individual or multiple fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.

“Hot spots” means area in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of the sewer system.

“Industrial waste” means solid, liquid or gaseous substances discharged or flowing from an industrial, manufacturing or commercial premises resulting from manufacturing, processing, treating, recovery or development of natural or artificial resources of whatever nature.

“Industrial wastewater” means all water-carried wastes and wastewater of the community excluding domestic wastewater and including all wastewater from any industrial production, manufacturing, processing, commercial, agricultural or other operation. These may also include wastes of human origin similar to domestic wastewater.

“Inspector” means a person authorized by the city to inspect any existing or proposed wastewater generation, conveyance, and processing and disposal facilities.

“Interceptor” means a grease interceptor.

“Joint sewer system” means the sewer system constructed jointly by the Vista Sanitation District, the city and the Buena Sanitation District pursuant to that certain contract entitled “Basic Agreement between Vista Sanitation District and the City of Carlsbad for the Acquisition and Construction of a Joint Sewer System” (County Contract No. 1858-1219E) and all amendments and supplements thereto and as such sewer system is specifically delineated on that certain map entitled “Map of Joint Sewer System—City of Carlsbad, Vista Sanitation District and Buena Sanitation District” on file in the office of the clerk of the board of supervisors of the Buena Sanitation District as Document No. 381247.

“Operator” means the Encina Administrative Agency.

“Owner” includes a holder in fee, life tenant, executor, administrator, trustee, and guardian or other fiduciary, lessee or licensee holding under any government lease or license of real property.

“Person” means any person, firm, company, association, corporation, political subdivision, municipal corporation, district, the state, the United States of America or any department or agency of any thereof.

“pH” means the reciprocal of the logarithm of the hydrogen ion concentration. It indicates the intensity of acidity and alkalinity on a pH scale running from zero to 14. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 indicate alkalinity and those below 7.0 indicate acidity.

“Premises” means any lot, piece or parcel of land, building or establishment.

“Remodeling” means a physical change or operational change causing generation of the amount of FOG that exceed the current amount of FOG discharge to the sewer system by the food service facility in an amount that alone or collectively causes or creates a potential for SSOs to occur; or exceeding a cost of $50,000.00 to a food service facility that requires a building permit, and involves any one or combination of the following: (1) under slab plumbing in the food processing area; (2) a 30% increase in the net public seating area; (3) a 30% increase in the size of the kitchen area; or (4) any change in the size or type of food preparation equipment.
“Sanitary sewer overflow (SSO)” means and includes any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:

1. Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
2. Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
3. Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.

“Sewage” means the waterborne wastes derived from ordinary human living processes and of such character as to permit satisfactory disposal, without special treatment, into the public sewer, a private sewer, or by means of household septic tank systems and individual household aerobic units.

Sewer, Building or House. “Building or house sewer,” also known as the “lateral,” or the “sewer lateral” means a pipe or conduit carrying sanitary sewage and/or industrial wastes from a building to the public sewer or a common sewer.

Sewer, Main. “Sewer main” means any public sewer used to collect and convey sewage or industrial wastes to a publicly owned treatment works (POTW).

Sewer, Private. “Private sewer” refers to a privately owned sewer, which is not directly controlled by the city.

Sewer, Public. “Public sewer” means a publicly owned treatment works (POTW), which is owned in this instance by Encina Joint Powers and its member agencies. This definition includes the sewer main and any sewers that convey wastewater to the POTW plant, but does not include pipes, sewers or other conveyances not connected to the facility providing treatment. “Public sewer” also includes any sewers that convey wastewater to the POTW from persons outside the cities of Carlsbad and Vista, the Vallecitos Water District, the Leucadia Wastewater District, the Buena Sanitation District and Encinitas Sanitary District, who are, by contract or agreement with said cities and/or districts, users of the Encina Water Pollution Control Facility.

“Sewer system” or “sanitary sewer system” means all construction and appurtenant equipment utilized in the collection, transportation, pumping, treatment and final disposal of sewage within the district.

“Slug” means any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

“Standard methods” means the current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, and Water Pollution Control Federation.

“Suspended solids” or “SS” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are largely removable by laboratory filtering and as determined by the appropriate procedure in standard methods.

“Toxic substances” means any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

“Utilities” means the director of utilities of the city or designee.

“Wastehauler” means any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

“Waste minimization practices” means plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize wastewater produced.
“Wastewater” means any liquid waste of any kind, whether treated or not, and whether animal, mineral or vegetable including sewage, agricultural, industrial and thermal wastes, which are discharged into or permitted to enter a public sewer. (Ord. CS-164 § 6, 2011; Ord. CS-010 § 1, 2008; Ord. NS-851 § 1, 2007; Ord. NS-129 § 1, 1990; Ord. 7060 § 1, 1980)

13.04.020 Unsanitary deposits.
It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable wastes. (Ord. 7060 § 1, 1980)

13.04.030 Use of public sewers required.
Every lot that has sanitary facilities requiring sewage disposal which is accessible to a public sewer and is not connected shall be connected to the public sewer within 90 days after the owner or person legally responsible has been notified to do so by the utilities director. (Ord. CS-164 § 6, 2011; Ord. NS-851 § 2, 2007; Ord. 7060 § 1, 1980)

13.04.035 Sewage discharge prohibited.
Any sanitary sewer overflow is prohibited. (Ord. NS-851 § 3, 2007)

13.04.040 Sewer connection permit required.
It is unlawful for any person to place, discharge or dispose of any material, solid or liquid, into the sewer system, or any part thereof, without first obtaining a permit from the city pursuant to Chapter 13.10, and without having first paid all fees required by this title; and no substance shall be placed, discharged or disposed of in the sewer system except substances of waste materials originating on the premises to which a sewer connection permit has been issued. (Ord. 7060 § 1, 1980)

13.04.045 Responsibility for maintenance.
A. Maintenance of all sewer mains dedicated to and accepted by the city shall be the responsibility of the city.
B. Maintenance of all privately-owned sewer mains, and all lateral lines, equipment and appurtenances connected to the city’s sewer mains shall be the responsibility of the property owner or parcel occupant/user. The property owner or occupant/user is responsible for the cleaning and removal of blockages in the sewer lateral from the property being served to the sewer main. The property owner or occupant/user is responsible for the maintenance, repair, and replacement of the sewer lateral from the sewer main to and including the building.
C. The city hereby grants a revocable license to any property owner who has obtained a sewer connection permit pursuant to Chapter 13.10, or who, prior to the effective date of Chapter 13.10, has legally connected his or her sewer lateral to the sewer main, to retain his or her current sewer lateral placement within the city’s right-of-way.
D. Property owners must comply with Chapter 11.16 of this code, (permits for work or encroachments in public places), and any amendments thereto, prior to performing any work in, or encroaching upon, the city’s right-of-way. (Ord. NS-851 § 4, 2007)

13.04.050 General prohibitions.
A. Discharge of stormwater, surface water, groundwater, unpolluted industrial process water, roof runoff, subsurface drainage, or any waters from an uncontaminated cooling system, swimming pool, decorative fountain or pond, into any public sewer or any private sewer which is connected to the public sewer without written permission in conformance with adopted regulations.
B. No person shall enter, obstruct, uncover or tamper with any portion of the public sewer, or connect to it, or dispose anything into any sewer and/or sewer manhole without the written permission of the utilities director.

C. No person or party shall remove or demolish any building or structures with plumbing fixtures connected directly or indirectly to the public sewer without first notifying the utilities director of such intention. All openings in or leading to the public sewer line or lines caused by such work shall be sealed watertight and inspected by the utilities director before being backfilled.

D. No person shall fill or backfill over, or cause to cover, or obstruct access to, any sewer manhole.

E. No person shall erect any improvements, structures, or buildings over public sewers without the written permission of the utilities director.

F. Except as hereinafter provided in this section, no person shall discharge or cause to be discharged any of the following described substances, waters or wastes into any public sewers:
   1. Liquid or vapor having a temperature higher than 140 degrees Fahrenheit;
   2. Water or waste containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit;
   3. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
   4. Toxic, noxious or malodorous liquid, solid, or gas deemed a public hazard and nuisance;
   5. Garbage that has not been properly shredded to a size of one-fourth inch or less so that all particles will be carried freely under normal flow conditions in the public sewers;
   6. Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper substances or normally dry, solid wastes capable of causing obstruction to the flow in or damage to sewers or other interference with the proper operation of the sewerage works;
   7. Water or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works;
   8. Water or wastes containing any substance in sufficient quantity to discolor, injure, disrupt or interfere with the normal operation of any sewage treatment process, constitute a hazard to human or animal life, create a public nuisance, or significantly lower the quality of the receiving waters;
   9. Water or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at a sewage treatment plant;
   10. Any unusual volume of flow or concentration of wastes constituting “slugs” as defined in Section 13.04.010;
   11. Radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the utilities director in compliance with applicable state or federal regulations;
   12. Water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;
   13. Water or wastes containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such degree that:
      a. The resulting effluent cannot meet the waste discharge requirements of the regional water quality control board or other agencies having jurisdiction over the quality and protection of the receiving waters, or
      b. The resulting sludge cannot meet limits for the chosen disposal method.

G. Any person who discharges or causes to be discharged into the public sewers any water or wastes having more than 300 mg/l of suspended solids shall be obligated to pay a surcharge, occasioned by
13.04.070

the extent to which such water or waste contains an excess over the foregoing limitation of concentra-

H. Where preliminary treatment facilities are provided for any wastewater as a condition of its acceptance, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

I. When required by the utilities director, the owner of any property served by a building sewer carrying industrial wastewater shall install monitoring and recording equipment, and a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be readily accessible and safely located, and shall be constructed in accordance with plans approved by the utilities director. The manhole shall be installed and maintained by the owner at his or her expense.

J. All measurements, tests, and analyses of the characteristics of water and wastewater to which refer-
ence is made in subsections F, G, and H of this section shall be determined in accordance with the lat-
est edition of the American Public Health Association’s Standard Methods for Examination of Water, Sewage and Industrial Wastes and shall be made at the control manhole provided for in subsection I of this section, or upon suitable samples taken at said control manhole. If no special manhole is available, the sampling location shall be determined by the utilities director. (Ord. CS-164 § 6, 2011; Ord. CS-010 § 2, 2008; Ord. NS-851 § 5, 2007; Ord. NS-129 § 2, 1990; Ord. 7069, 1986; Ord. 7065 § 1, 1983; Ord. 7062 § 1, 1982; Ord. 7060 § 1, 1980)

13.04.070 Damaging sewage works.
No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. (Ord. 7060 § 1, 1980)

13.04.080 Violations of chapter.
A. Any person found to be violating any provision of this chapter, except Section 13.04.070, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who continues any violation beyond the above time, or who violates the provisions of Sec-

C. Any person violating any of the provisions of this chapter is liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 7060 § 1, 1980)

13.04.090 Public health, safety and welfare violations.
In addition to the other civil and criminal penalties provided herein, any condition caused or permitted to ex-

488
Chapter 13.06

DISCHARGE OF FATS, OILS AND GREASE

Sections:
13.06.010  FOG discharge requirement.
13.06.020  FOG prohibitions.
13.06.030  Best management practices required.
13.06.040  FOG pretreatment required.
13.06.050  Variance and waiver of grease interceptor requirement.
13.06.060  Commercial properties.
13.06.070  Grease mitigation and inspection fees.
13.06.080  Drawing submittal requirements.
13.06.090  Grease interceptor requirements.
13.06.100  Grease trap requirements.
13.06.110  Monitoring facilities requirement.
13.06.120  Requirements for best management practices.
13.06.130  Grease interceptor maintenance requirements.
13.06.140  Monitoring and reporting conditions.
13.06.150  Inspection and sampling conditions.
13.06.160  Right of entry.
13.06.170  Notification of changes to facility.
13.06.180  Appeals.

13.06.010  FOG discharge requirement.
No food service facility shall discharge or cause to be discharged any fats, oils or grease to the sewer system in concentrations that may result in separation from effluent and adherence to sewer structures and appurtenances, accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the food service facility to the sewer system. (Ord. CS-010 § 3, 2008)

13.06.020  FOG prohibitions.
The following prohibitions shall apply to all food service facilities:

A. Installation of food grinders in the plumbing system of new constructions or remodeling of food service facilities shall be prohibited.

B. Introduction of any additives into a food service facility’s wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance, unless a specific written authorization from the city is obtained.

C. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

D. Discharge of wastewater from dishwashers to any grease trap (GT) is prohibited. However, the dishwasher discharge drain may be plumbed to a grease interceptor. The pre-rinse sink should have a grease control device installed in new construction and installed in any remodel work.

E. Discharge of wastewater with temperatures in excess of 140 degrees Fahrenheit to any grease control device, including grease traps and grease interceptors, is prohibited.

F. Discharge of wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.

G. Discharge of any waste including FOG and solid materials removed from the grease control device to the sewer system is prohibited. Grease removed from grease interceptors shall be waste hauled peri-
odically as part of the operation and maintenance requirements for grease interceptors. (Ord. CS-010 § 3, 2008)

13.06.030 Best management practices required.
All food service facilities shall implement best management practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for best management practices are specified by the city in Section 13.06.120. This may include kitchen practices and employee training that is essential in minimizing FOG discharge. (Ord. CS-010 § 3, 2008)

13.06.040 FOG pretreatment required.
Food service facilities are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this chapter, subject to the variance and waiver provisions of Section 13.06.050. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from food service facilities prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of food service facilities that are sources of FOG discharges shall be connected to the grease interceptor. Compliance shall be established as follows:
A. New Construction of Food Service Facilities. New construction of food service facilities shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.
B. Existing food service facilities or food service facilities that change ownership, that undergo remodeling or a change in operations as defined in Section 13.04.010, shall be required to install a grease interceptor.
C. Existing food service facilities, which have caused or contributed to grease-related blockage in the sewer system, or which have sewer laterals connected to hot spots, or which have been determined to contribute significant FOG to the sewer system as determined by the city based on inspection, sampling or cleaning of the sewer system, shall be deemed to have reasonable potential to adversely impact the sewer system, and shall install a grease interceptor within 180 days upon notification by the city. (Ord. CS-010 § 3, 2008)

13.06.050 Variance and waiver of grease interceptor requirement.
A. Variance from Grease Interceptor Requirements. An existing food service facility may obtain a variance from the grease interceptor requirement to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, if the food service facility demonstrates that it is impossible or impracticable to install, operate or maintain a grease interceptor. The city’s determination to grant a variance will be based upon, but not limited to, evaluation of the following conditions:
1. There is no adequate space for installation and/or maintenance of a grease interceptor.
2. There is no adequate slope for gravity flow between the kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
3. The food service facility can justify that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling its FOG discharge. In addition, the food service facility must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system, for at least three months, at its own expense. A variance may be granted if the results show no visible accumulation of FOG in its lateral and/or tributary downstream sewer lines.
B. Conditional Waiver from Installation of Grease Interceptor. An existing food service facilities may obtain a conditional waiver from installation of a grease interceptor, if the food service facility demonstrates
that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver from installation of a grease interceptor may be granted, the food service facility may be required to provide space and plumbing segregation for future installation of a grease interceptor. The city’s determination to grant or revoke a conditional waiver shall be based upon, but not limited to, evaluation of the following conditions:

1. Quantity of FOG discharge as measure or as indicated by the size of food service facility based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that may reasonably be shown to contribute to FOG discharges.

2. Adequacy of implementation of best management practices and compliance history.

3. Sewer size, grade, condition based on visual information, FOG disposition in the sewer by the food service facility, and history of maintenance and sewer spills in the receiving sewer system.

4. Changes in operations that significantly affect FOG discharge.

5. Any other condition deemed reasonably related to the generation of FOG discharges by the city.

C. Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation Fee. For food service facilities where the installation of a grease interceptor is not feasible and no equivalent alternative pretreatment can be installed, a waiver from the grease interceptor requirement may be granted with the imposition of a grease disposal mitigation fee as described in Section 13.06.070. Additional requirements may be imposed to mitigate the discharge of FOG into the sewer system. The city’s determination to grant the waiver with a grease disposal mitigation fee will be based upon, but not limited to, evaluation of the following conditions:

1. There is no adequate space for installation and/or maintenance of a grease interceptor.

2. There is no adequate slope for gravity flow between the kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.

3. A variance from grease interceptor installation to allow alternative pretreatment technology cannot be granted.

D. Application for Waiver or Variance of Requirement for Grease Interceptor. A food service facility may submit an application for waiver or variance from the grease interceptor requirement to the inspector. The food service facility bears the burden of demonstrating, to the city’s reasonable satisfaction, that the installation of a grease interceptor is not feasible or applicable. Upon determination by the city that reasons are sufficient to justify a variance or waiver, the variance or waiver will be issued to relieve the food service facility from the requirement.

E. Terms and Conditions. A variance or waiver shall contain terms and conditions that serve as basis for its issuance. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists. The waiver or variance shall be valid so long as the food service facility remains in compliance with their terms and conditions until the expiration date specified in the variance or waiver. (Ord. CS-010 § 3, 2008)

13.06.060 Commercial properties.
Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of the grease interceptor serving multiple food service facilities that are located on a single parcel. (Ord. CS-010 § 3, 2008)

13.06.070 Grease mitigation and inspection fees.
The grease mitigation and inspection fees shall be established by the city council, and shall be based on the estimated annual increased cost of maintaining the sewer system through inspection and removal of FOG
13.06.080

and other viscous or solidifying agents attributable to the food service facility resulting from the lack of or inadequate grease control devices.

Food service facilities that operate without grease control devices may be required to pay an increased grease mitigation fee and inspection fee to equitably cover the costs of increased maintenance of the sewer system as a result of the food service facilities’ inability to adequately remove FOG from their wastewater discharge. This section shall not be interpreted to allow the new construction of, or existing food service facilities undergoing remodeling or a change in operations to operate without approved grease control devices unless the city has determined that it is impossible or impracticable to install or operate grease control devices for the subject facility under the provisions of Section 13.06.050. (Ord. CS-010 § 3, 2008)

13.06.080 Drawing submittal requirements.

Upon request by the city:

A. Food service facilities may be required to submit two copies of facility site plans, mechanical and plumbing plans, and details to show all sewer locations and connections. The submittal shall be in a form and content acceptable to the city for review of existing or proposed grease control device, grease interceptor, and operating facilities. The review of the plans and procedures shall in no way relieve the food service facilities of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable discharge, and to meet the requirements of this section or any requirements of other regulatory agencies.

B. Food service facilities may be required to submit a schematic drawing of the FOG control devices, grease interceptor or other pretreatment equipment, piping and instrumentation diagram.

C. The city may require the drawings be prepared by a California registered civil, chemical, mechanical or electrical engineer. (Ord. CS-010 § 3, 2008)

13.06.090 Grease interceptor requirements.

A. All food service facilities required to provide FOG pretreatment equipment shall install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this section.

B. Grease interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code. Grease interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, they shall be of substantial construction, watertight, and shall have a minimum of two compartments with fittings designed for grease detention.

C. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

D. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities. Covers shall also be gastight and watertight. (Ord. CS-010 § 3, 2008)

13.06.100 Grease trap requirements.

A. Food service facilities may be required to install grease traps in the waste line leading from drains, sinks, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.

B. Sizing and installation of grease traps shall conform to the current edition of the California Plumbing Code.

C. Grease traps shall be maintained in efficient operating conditions by removing accumulated grease on an as-needed basis.
D. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.

E. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.

F. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap. (Ord. CS-010 § 3, 2008)

13.06.110 Monitoring facilities requirement.
A. The city may require the food service facilities to construct and maintain in proper operating condition at the food service facilities’ sole expense, flow monitoring, constituent monitoring and/or sampling facilities.

B. The location of the monitoring and metering facilities shall be subject to approval by the city.

C. Food service facilities may be required to provide immediate, clear, safe and uninterrupted access to the city.

D. Food service facilities may also be required by the city to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of the grease control device or grease interceptor and compliance with this section.

E. No food service facility shall increase the use of water or in any other manner attempt to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this section. (Ord. CS-010 § 3, 2008)

13.06.120 Requirements for best management practices.
A. All food service facilities shall implement best management practices in accordance with the requirements and guidelines established by the city under its FOG control program in an effort to minimize the discharge of FOG to the sewer system.

B. All food service facilities shall be required, at a minimum, to comply with the following best management practices, when applicable:

1. Installation of Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation and utensil cleaning areas.

2. Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil. Maintenance logs showing waste hauling-pumping frequency or receipts, or legible copies of receipts from an authorized waste hauler must be kept on site at all times and be accessible for inspection at request of authorized inspector.

3. Disposal of Food Waste. All food waste shall be disposed of directly into the trash or garbage, and not in sinks. Double-bagging food wastes that have the potential to leak in trash bins is highly recommended.

4. Employee Training. Employees of the food service facility shall be trained by ownership/management periodically. Training shall be documented and employee signatures retained indicating each employee’s attendance and understanding of the practices reviewed. Training records shall be available for review at any reasonable time by an inspector or city representative. Training shall be done on the following subjects:

a. How to “dry wipe” pots, pans, dishware and work areas before washing to remove grease.
b. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.

c. The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.

d. How to properly dispose of grease or oils from cooking equipment into a grease receptacle such as a barrel or drum without spilling.

5. Maintenance of Kitchen Exhaust Filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the exhaust filter shall be disposed properly.

6. Kitchen Signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times. (Ord. CS-010 § 3, 2008)

13.06.130 Grease interceptor maintenance requirements.

A. Grease interceptors shall be maintained in efficient operating condition by periodic removal of the full content of the interceptor which includes wastewater, accumulated FOG, floating materials, sludge and solids.

B. All existing and newly installed grease interceptors shall be maintained in a manner consistent with a maintenance frequency indicated below under subsection (E)(1).

C. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right-of-way during maintenance activities.

D. Food service facilities with grease interceptors may be required to submit data and information necessary to establish the maintenance frequency of the grease interceptors.

E. The maintenance frequency for all food service facilities with a grease interceptor shall be determined in one of the following methods:

1. Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed 25% of the total design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

2. All food service facilities with a grease interceptor shall maintain their grease interceptor not less than every six months.

3. All food service facilities will clean the sewer lateral from the grease control device to the sewer main, at least annually, or at a frequency that ensures proper flow within the sewer lateral. A record of the cleaning must be maintained and kept on file for review at the food service facility.

4. Grease interceptors shall be fully pumped out and cleaned quarterly when the frequency described in paragraph 1 of this subsection has not been established. The maintenance frequency shall be adjusted when sufficient data have been obtained to establish an average frequency based on the requirements described in paragraph 1 of this subsection and guidelines adopted pursuant to the FOG control program. The city may change the maintenance frequency at any time to reflect changes in actual operating conditions and guidelines adopted pursuant to the FOG control program. Based on the actual generation of FOG from the foodservice facility, the maintenance frequency may increase or decrease.

5. The owner/operator of a food service facility may submit a request to the city requesting a change in the maintenance frequency at any time. The food service facility has the burden of responsibility to demonstrate that the requested change in frequency reflects actual operating conditions based on the average FOG accumulation over time and meets the requirements described in paragraph 1 of this subsection, and that it is in full compliance with the conditions of this chapter.
6. If the grease interceptor, at any time, contains FOG and solids accumulation that does not meet the requirements described in paragraph 1 of this subsection, the food service facility shall be required to have the grease interceptor serviced immediately such that all fats, oils, grease, sludge, and other materials are completely removed from the grease interceptor. If deemed necessary, the city may also increase the maintenance frequency of the grease interceptor from the current frequency.

F. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be disposed off-site properly by waste haulers in accordance with federal, state and/or local laws. (Ord. CS-010 § 3, 2008)

13.06.140 Monitoring and reporting conditions.
A. Monitoring for Compliance with Reporting Requirements.
   1. The city may require periodic reporting of the status of implementation of best management practices, in accordance with the FOG control program.
   2. The city may require closed circuit television monitoring at the sole expense of the food service facility to observe the actual conditions of the food service facilities’ sewer lateral and sewer lines downstream.
   3. The city may require reports for self-monitoring of wastewater constituents and FOG characteristics of the food service facility needed for determining compliance with any conditions or requirements as specified in this section.
   4. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the city to ensure compliance with this section.

B. Record Keeping Requirements. The food service facility shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than two years. The food service facility shall, upon request, make the manifests, receipts and invoices available to any city representative, their designee, or inspector. These records may include:
   1. A logbook of grease interceptor, grease trap or grease control device cleaning and maintenance practices.
   2. A record of best management practices being implemented including employee training.
   3. Copies of records and manifests of waste hauling interceptor contents.
   4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the grease interceptors.
   5. Records of any spills and/or cleaning of the lateral or sewer system.
   6. Any other information deemed appropriate by the city to ensure compliance with this section.

C. Falsifying Information or Tampering with Process. It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the city, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this section. (Ord. CS-010 § 3, 2008)

13.06.150 Inspection and sampling conditions.
A. The city may inspect or order the inspection of the wastewater discharges of any food service facility to ascertain whether the intent of this section is being met and the food service facility is complying with all requirements. The food service facility shall allow the city or the city’s designee, access to the food service facility premises, during normal business hours, for purposes of inspecting the food service fa-
cility’s grease control devices or interceptors, reviewing the manifests, receipts and invoices related to the cleaning, maintenance and inspection of the grease control devices or interceptor.

B. The city shall have the right to place or order the placement on the food service facility’s property or other locations as determined by the city, such devices as are necessary to conduct sampling or metering operations. Where a food service facility has security measures in force, the food service facility shall make necessary arrangement so that representatives of the city shall be permitted to enter without delay for the purpose of performing their specific responsibilities. (Ord. CS-010 § 3, 2008)

13.06.160 Right of entry.
Persons or occupants of premises where wastewater is created or discharged shall allow the city or the city’s representative, reasonable access to all parts of the wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger’s facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to city representatives attempting to inspect any facility involved directly or indirectly with a discharge of wastewater to the city’s sewer system. In the event of an emergency involving actual or imminent sanitary sewer overflow, the city’s representatives may access adjoining businesses or properties which share a sewer system with a food service facility in order to prevent or remediate an actual or imminent sanitary overflow. (Ord. CS-010 § 3, 2008)

13.06.170 Notification of changes to facility.
Food service facilities shall notify the city at least 60 days in advance prior to any facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. Food service facilities shall notify the city in writing of the proposed expansion or remodeling and shall submit any information requested by the city for evaluation of the effect of such expansion on the food service facilities’ FOG discharge to the sewer system. (Ord. CS-010 § 3, 2008)

13.06.180 Appeals.
A. General. Any food service facility affected by any decision, action or determination made by the department may file with the department a written request for an appeal hearing. The request must be received by the city within 10 calendar days of mailing of notice of the decision, action, or determination of the city to the appellant. The request for hearing shall set forth in detail all facts supporting the appellant’s request.

B. Notice. The utilities director shall, within 15 days of receiving the request for appeal, designate a representative to hear the appeal and provide written notice to the appellant of the hearing date, time and place. The hearing date shall not be more than 30 days from the mailing of such notice by certified mail to the appellant unless a later date is agreed to by the appellant. If the hearing is not held within said time due to actions or in actions of the appellant, then the staff decision shall be deemed final.

C. Hearing. At the hearing, the appellant shall have the opportunity to present information supporting its position concerning the department’s decision, action or determination. The hearing shall be conducted in accordance with procedures established by the department and approved by the city council.

D. Written Determination. After the conclusion of the hearing, the designated representative shall submit a written report to the director of utilities setting forth a brief statement of facts found to be true, a determination of the issues presented, conclusions, and recommendations whether to uphold, modify or reverse the department’s original decision, action or determination. Upon receipt of the written report, the utilities director shall make their determination and shall issue the decision and order within 30 calendar days of the hearing. The written decision and order of the utilities director shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant’s business address.
E. Final Determination. The order of the utilities director shall be final in all respects on the 16th day after it is mailed to the appellant.

F. Appeal. Any food service facility, affected by any decision, action or determination made by the utilities director, may appeal in writing to the city council by filing with the city clerk a written notice of such appeal, setting forth grounds thereof. The appellant shall file such notice within 10 calendar days after receipt of the notice of the administrative decision concerned. The order of the city council shall be deemed final upon its adoption. If the user fails to appeal to the city council, or the city council fails to reverse or modify the utilities director’s decision, the utilities director’s decision shall be deemed final.

(Ord. CS-164 § 6, 2011; Ord. CS-010 § 3, 2008)
Chapter 13.08

PAYMENT FOR LINE COST*

Sections:
13.08.010 Proportionate cost of sewer main prerequisite to connection.
13.08.020 Plat map.
13.08.030 Line costs.
13.08.035 Line costs—Alternative procedure.
13.08.040 Extensions and oversizing.
13.08.050 Reimbursement.
13.08.060 Method of reimbursement.

* Prior ordinance history: Ord. Nos. 7020, 7020A, 7024, 7033, 7041, 7043, 7045, 7046, 7054, 7057, and 7059.

13.08.010 Proportionate cost of sewer main prerequisite to connection.
Whenever any person applies for a connection to a sewer main and neither such person nor his or her predecessor in interest has paid the proportionate share of the cost of the sewer main, with respect to the property served, no application shall be acted upon, allowed or approved by the city or any of its administrative employees, until such person shall have paid to the city his or her proportionate share of the cost of such sewer main according to the terms, schedules and conditions set forth in this chapter. (Ord. 7060 § 1, 1980)

13.08.020 Plat map.
It shall be the duty of the utilities director to prepare a plat map and indicate on the plat map those certain parcels of land that have contributed their full share towards the construction of the sewer main. (Ord. CS-164 § 3, 2011; Ord. 7060 § 1, 1980)

13.08.030 Line costs.
When any person connects to a sewer main, and such person or his/her predecessor in interest has not paid for his or her proportionate share of the cost of the main as indicated on the plat map on file in the office of the utilities director, then such person shall pay to the city an amount of money that is equal to the number of front feet of the property that abuts upon the sewer main multiplied by the amount of money that is fixed from time to time by the city council as being the cost per foot per connection; except when such person is the owner of a large undeveloped frontage, then in that event, the owner shall be required to pay for a minimum frontage of 75 feet; provided, that all of the following conditions prevail:
A. That the portion of the property being connected to the sewer main shall totally contain the residence of the owner, together with sufficient side yard setbacks as required by applicable zoning law;
B. That sufficient area remain in the unconnected portion of the property in which to construct one or more living units in accordance with the applicable zoning laws. (Ord. CS-164 § 3, 2011; Ord. 7060 § 1, 1980)

13.08.035 Line costs—Alternative procedure.
The city council may by resolution approve a plat map for an area benefited by a sewer main which provides for a fee determined by dividing the cost of the sewer main by the number of dwelling units served instead of the cost per front foot as provided in Section 13.08.030. The provisions of this section are an alternative to those of Section 13.08.030 which may be used when the city council determines that they will result in a more equitable fee. (Ord. 7068 § 1, 1984)
13.08.040 **Extensions and oversizing.**
Subdividers shall be required to extend to the external limits of the subdivision all sewer lines placed in the streets within the subdivision. There may also be imposed by the city a requirement that sewer improvements installed by a developer for the benefit of the development shall contain supplemental size or capacity, or extend across property outside the development. (Ord. 7060 § 1, 1980)

13.08.050 **Reimbursement.**
In the event of the installation of sewer improvements required by Section 13.08.040, the city may enter into an agreement with the developer to reimburse the developer for that portion of the cost of such sewer improvements equal to the difference between the amount it would have cost the developer to install such sewer improvements to serve the development only and the actual cost of such sewer improvements. (Ord. 7060 § 1, 1980)

13.08.060 **Method of reimbursement.**
In order to pay the costs as required by Section 13.08.050, the city may:

A. Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the development a reasonable charge for such use;

B. Contribute to the developer that part of the cost of improvements that is attributable to the benefit of real property outside the development and levy a charge upon the real property benefited to reimburse itself for such cost paid to the development;

C. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited. (Ord. 7060 § 1, 1980)
Chapter 13.10

SEWER CONNECTION AND CAPACITY PERMITS AND FEES

Sections:
13.10.010 Sewer permit required.
13.10.020 Equivalent dwelling units.
13.10.030 Sewer capacity fee—Encina Treatment Plant.
13.10.040 Pumping plant capital contribution fee.
13.10.050 Sewer main fees.
13.10.060 Sewer capacity—Lake Calavera Hills Satellite Sewage Treatment Plant.
13.10.070 Lake Calavera Hills capital contribution fee.
13.10.080 Sewer benefit area fees A through M.
13.10.100 Fee deferral.

13.10.010 Sewer permit required.
A. Concurrently with the issuance of a valid building permit for a new structure or with the issuance of a move-on permit for a mobile home, upon application and payment of the required fees, a sewer permit may be issued by the utilities director authorizing connection of the structure for which the building permit has been issued or the mobile home for which the move-on permit has been issued to the sewer system. A sewer permit shall be required for any structure which is altered, remodeled or expanded where such alteration, remodeling or expansion results in an increase in the equivalent dwelling units of sewage generated from such structure. At the time of issuance of a valid building permit or plumbing permit for such alteration, remodeling or expansion, upon application and payment of the required fee, a sewer permit may be issued by the utilities director, authorizing the connection of the structure for which the building permit has been issued to the sewer system. If the structure being altered, remodeled or expanded is already connected to the city sewer system, and a new connection is not required, the sewer permit shall authorize the use of the sewer system by the altered, remodeled or expanded structure.

B. It is unlawful for any person to connect to or use the city sewer system without first obtaining a valid sewer permit which is in full force and effect at the time of such connection or use. It is unlawful for any person to alter, remodel or expand the use of a structure without first obtaining a valid building permit or plumbing permit.

C. Every sewer permit issued pursuant to subsection A of this section shall expire by limitation and become null and void if the building permit or plumbing permit for the structure to which the connection is to be made, or for which the sewer system will be used, or the move-on permit for the mobile home to be connected, expires by limitation or otherwise becomes null and void. If a permit has expired, then before the connection for such structure or mobile home can be made, or the sewer system used, a new sewer permit shall be first obtained, and the fee therefor shall be one-half of the required fee for the original permit for each equivalent dwelling unit unless one year has passed since the expiration, in which case the fee shall be the same as a new permit.

D. Permits for the connection of an existing structure to the sewer system may be issued by the utilities director at any time upon proper application. Every sewer permit issued pursuant to this subsection shall expire by limitation and become null and void if work on the connection authorized by such permit is not completed within 120 days from the date of issuance of such permit. (Ord. CS-164 § 3, 2011; Ord. 7060 § 1, 1980)
13.10.020 Equivalent dwelling units.

A. An equivalent dwelling unit is a unit of measure for the sewage generated from particular buildings, structures or uses. One equivalent dwelling unit is equal to an approximation of the amount of sewage generated by an average single-family residence.

B. The utilities director shall be responsible for determining the number of equivalent dwelling units for various buildings, structures or uses in accordance with the provisions of this section. For proposed new construction, the utilities director shall review the building plans and ascertain the use of the proposed structure and then determine the number of equivalent dwelling units required by an application of the tables in subsection C of this section. For an existing structure and use, the director shall apply subsection C to that structure and use. For the alteration, remodeling or expansion of an existing structure or use, the utilities director shall determine the number of equivalent dwelling units being used by the existing structure or use by applying subsection C. The utilities director shall then determine, in the same manner as new construction, the number of equivalent dwelling units required after completion of the alteration, remodeling or expansion. The equivalent dwelling units in such cases shall be the amount of the increase in such units, if any.

C. Table 13.10.020(C) shall be used to determine equivalent dwelling units.

<table>
<thead>
<tr>
<th>Type of Building, Structure or Use</th>
<th>Equivalent Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Each space of a trailer court or mobilehome park</td>
<td>1.00</td>
</tr>
<tr>
<td>(2) Each duplex</td>
<td>2.00</td>
</tr>
<tr>
<td>(3) Each separate apartment in an apartment house</td>
<td>1.00</td>
</tr>
<tr>
<td>(4) Each housing accommodation designed for occupancy by a single person or one family, irrespective of the number actually occupying such accommodation</td>
<td>1.00</td>
</tr>
<tr>
<td>(5) Each room of a lodginghouse, boardinghouse, hotel, motel or other multiple dwelling designed for sleeping accommodations for one or more individuals</td>
<td></td>
</tr>
<tr>
<td>Without cooking facilities</td>
<td>0.60</td>
</tr>
<tr>
<td>With cooking facilities</td>
<td>1.00</td>
</tr>
<tr>
<td>(6) Churches, theaters and auditoriums, per each unit of seating capacity (a unit being 150 persons or any fraction thereof)</td>
<td>1.33</td>
</tr>
<tr>
<td>(7) Restaurants</td>
<td></td>
</tr>
<tr>
<td>No seating</td>
<td>2.67</td>
</tr>
<tr>
<td>Seating (see note)</td>
<td>2.67 plus 1.00 per each 7 seats or fraction thereof</td>
</tr>
<tr>
<td>Delicatessen or fast food, using only disposable tableware:</td>
<td></td>
</tr>
<tr>
<td>No seating</td>
<td>2.67</td>
</tr>
<tr>
<td>Seating (see note)</td>
<td>2.76 plus 1.00 per each 21 seats or fraction thereof</td>
</tr>
<tr>
<td>(8) Automobile service stations:</td>
<td></td>
</tr>
<tr>
<td>Not more than four gasoline pumps</td>
<td>2.00</td>
</tr>
<tr>
<td>More than four gasoline pumps</td>
<td>3.00</td>
</tr>
<tr>
<td>(9) Self-service laundries, per each washer</td>
<td>0.75</td>
</tr>
<tr>
<td>(10) Office space in industrial or commercial establishments not listed above and warehouses</td>
<td>Divide gross floor area of building in sq. ft. by 1,800</td>
</tr>
<tr>
<td>(11) Schools:</td>
<td></td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1.00</td>
</tr>
<tr>
<td>For each 60 pupils or fraction thereof</td>
<td>1.00</td>
</tr>
<tr>
<td>Junior high schools</td>
<td>1.00</td>
</tr>
<tr>
<td>For each 50 pupils or fraction thereof</td>
<td>1.00</td>
</tr>
</tbody>
</table>
High schools

For each 30 pupils or fraction thereof 1.00

(12) In the case of all commercial, industrial and business establishments not included in subdivisions 1 through 10, inclusive, of this subsection, the number of equivalent dwelling units shall be determined in each case by the utilities director and shall be based upon his or her estimate of the volume and type of wastewater to be discharged into the sewer. The provisions of Chapter 13.16 shall apply to all cases under this subsection and an industrial waste permit shall be required. Any such permit, issued for any use hereunder, shall include a specific volume of sewage authorized for such use. If said amount is exceeded, it shall be grounds for revocation of the permit.

(13) Theme park (LEGOLAND California) per acre 17.00

Note: Seats allowed in incidental outdoor dining areas pursuant to Section 21.26.013, and seats allowed without any parking requirement in outdoor, sidewalk or curb cafes, as defined by and pursuant to the Carlsbad Village Master Plan and Design Manual and the city council, shall not count towards the generation of equivalent dwelling units. However, any combination of outdoor seats which exceeds the number of indoor seats and therefore is required to be parked, shall count towards the generation of equivalent dwelling units.

D. If the number of equivalent dwelling units, determined by the application of subsection C of this section, results in a fraction, the fees required by this code for such fraction shall be in proportion thereto.

E. The utilities director’s determinations under this section may be appealed to the city council, whose decision shall be final.

F. The city council may, by resolution, prescribe any regulations they consider necessary for the proper application of this section. Such regulations may include but are not limited to a determination of the number of gallons of sewage equaling one equivalent dwelling unit may vary for a satellite sewage treatment plant when such variation is justified based on the flow characteristics of the drainage basin served by such plant or other factors which the council finds necessitate the difference.

G. If LEGOLAND California develops an attraction area into a use that is not consistent with current theme park uses and/or requires a specific plan amendment, the utilities director shall recommend a method for calculating equivalent dwelling units to the city council. (Ord. CS-207 § 1, 2013; Ord. CS-164 § 3, 2011; Ord. NS-849 § 1, 2007; Ord. NS-423 § 1, 1997; Ord. NS-421 § 1, 1997; Ord. 7061 § 1, 1981; Ord. 7060 § 1, 1980)

13.10.030 Sewer capacity fee—Encina Treatment Plant.

Except as provided, every person who wishes to use the city sewer system and the Encina Treatment Plant shall pay to the city prior to the issuance of a sewer permit, a sewer capacity fee per equivalent dwelling unit. The amount of the sewer capacity fee shall be as set from time to time by a resolution of the city council.

The sewer capacity fee shall be adjusted annually by a resolution of the city council by the percentage change in the Engineering News Record Los Angeles Construction Cost Index with the base index in effect in December 2003.

All sewer capacity fees shall be placed in the sewer construction fund and shall be used to pay for capital improvements of such system. (Ord. CS-186 § 1, 2012; Ord. CS-154 § 1, 2011; Ord. CS-094 § 1, 2010; Ord. CS-041 § 1, 2009; Ord. NS-682 § 1, 2003; Ord. NS-137 § 1, 1991; Ord. NS-12 § 1, 1988; Ord. 7060 § 1, 1980)

13.10.040 Pumping plant capital contribution fee.

Whenever any person applies for a sewer permit and the sewage from the applicant’s property must be pumped to a treatment plant by an intermediary public pumping plant, and such person, or his/her prede-
cessor in interest, has not contributed to the cost of the construction of such intermediary pumping plant, then such person shall pay to the city a pumping plant capital contribution fee for each existing or proposed equivalent dwelling unit that is to be served by such connection.

The pumping plant capital contribution fee shall be established by resolution by the city council. (Ord. 7060 § 1, 1980)

13.10.050 Sewer main fees.
In addition to the fees required by this chapter, an applicant for a sewer permit shall also pay any applicable sewer main extension fees pursuant to Chapter 13.08. (Ord. 7060 § 1, 1980)

13.10.060 Sewer capacity—Lake Calavera Hills Satellite Sewage Treatment Plant.
A. The city council, by resolution, may establish a special sewer service area for the Lake Calavera Hills Satellite Sewage Treatment Plant and establish a sewer capacity fee which shall be paid by each person, other than the developer or successors or assigns, proposing to connect a structure within such area to the Lake Calavera Plant prior to the issuance of a sewer permit. The fee, less five percent for administrative costs, shall be used to reimburse Lake Calavera Hills for the costs of constructing the plant.

The developer may in writing waive reimbursement for any structure using capacity in the plant. The fee required by this section shall not be collected when such a waiver has been made.

B. The fee established by this section shall be deemed to satisfy Section 13.10.030 which shall not apply to property within the special sewer service area. (Ord. 7060 § 1, 1980)

13.10.070 Lake Calavera Hills capital contribution fee.
The city council may, by resolution, levy a fee for each connection to the Lake Calavera Hills Satellite Sewage Treatment Plant to pay for capital improvements within the special sewer service area or elsewhere but benefiting such area. Such fee shall be in addition to the capacity fee required by Section 13.10.060 and all other fees required by this title. All such fees shall be placed in the joint sewer construction fund established by Section 13.10.030 and shall be used to pay for capital improvements of the system within the special service areas or elsewhere, but benefiting the special service area. (Ord. 7060 § 1, 1980)

13.10.080 Sewer benefit area fees A through M.
Except as provided, every person who wishes to use the city’s sewer facilities in Sewer Benefit Areas A through M, shall pay to the city, prior to the issuance of a building permit, the following sewer benefit area fee:

- $955.00 per equivalent dwelling unit for Sewer Benefit Area A;
- $1,087.00 per equivalent dwelling unit for Sewer Benefit Area B;
- $2,003.00 per equivalent dwelling unit in Sewer Benefit Area C;
- $2,007.00 per equivalent dwelling unit in Sewer Benefit Area D;
- $2,960.00 per equivalent dwelling unit in Sewer Benefit Area E;
- $2,976.00 per equivalent dwelling unit in Sewer Benefit Area F;
- $600.00 per equivalent dwelling unit for Sewer Benefit Area G;
- $873.00 per equivalent dwelling unit for Sewer Benefit Area H;
- No fee per equivalent dwelling unit for Sewer Benefit Area I;
- $1,647.00 per equivalent dwelling unit in Sewer Benefit Area J;
- $1,302.00 per equivalent dwelling unit for Sewer Benefit Area K;
$1,302.00 per equivalent dwelling unit for Sewer Benefit Area L; and
$64.00 per equivalent dwelling unit for Sewer Benefit Area M.
The sewer benefit area fees shall be adjusted annually effective September 1st, by the annual change to the Engineering News Record Los Angeles Construction Cost Index with a base year index of April 1, 2010. (Ord. CS-186 § 2, 2012; Ord. CS-154 § 2, 2011; CS-094 § 2, 7-13-2010; Ord. CS-077 § II, 2010; Ord. CS-041 § 2, 2009; Ord. NS-642 § 1, 2002)

### 13.10.100 Fee deferral.
Notwithstanding anything in this chapter to the contrary, all sewer capacity and sewer benefit area fees for any residential development that consists of five or more dwelling units and for all new commercial, office, and industrial buildings or building additions shall only be paid prior to building permit issuance, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant.

If the applicant chooses to defer the payment of fees to prior to the request for final inspection, then the amount of the fees shall be based on the fees in effect at the time of the request for final inspection.

In the event that the city, for any reason, fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or the property owner. (Ord. CS-271 § I, 2015; Ord. CS-200 § I, 2013)
Chapter 13.12

SEWER SERVICE CHARGES

Sections:
13.12.010 Definitions.
13.12.020 Sewer service charges established.
13.12.030 Rates applicable only when sewer main is connected.
13.12.050 Collection—When due and payable.
13.12.060 Deposits.
13.12.080 Determination of sewer service charge.
13.12.090 Adjustment of charges.

13.12.010 Definitions.
For the purposes of the chapter, the following words and phrases shall mean:

"Biochemical oxygen demand" or "BOD" means five-day, 68 degrees Fahrenheit biochemical oxygen demand measured in milligrams per liter (mg/L) as described in Standard Methods.

"Director" means the utilities and maintenance director of the City of Carlsbad.

"Group I residential discharger" means any single- or multiple-family residential dwelling.

"Group II commercial dischargers" means any commercial discharger whose annual wastewater discharge consists of biochemical oxygen demand plus suspended solids (added together) equaling 400 milligrams per liter or less. Typically, this will include car washes, retail stores, hospitals, laundromats, professional offices, soft water services, warehouses and theaters.

"Group III commercial dischargers" means any commercial discharger whose annual average wastewater discharge consists of biochemical oxygen demand plus suspended solids (added together) of more than 400 milligrams per liter and less than 1,000 milligrams per liter. Typically, this will include hotels-motels (without restaurants), repair and service stations, manufacturing and lumber yards.

"Group IV commercial dischargers" means any commercial discharger whose annual average wastewater discharge consists of biochemical oxygen demand plus suspended solids (added together) equaling 1,000 milligrams per liter or more. Typically, this will include bakeries, hotels-motels (with restaurants), restaurants and supermarkets.

"Group V institutional dischargers" means schools, social service halls, membership organizations and other users who are determined equivalent by the director.

"Group VI large volume dischargers" means users whose wastewater discharge quantity amounts to more than 25,000 gallons per day on an average annual basis.

"Industrial pretreatment Class I customers" means any user subject to federal categorized pretreatment standards and requires quarterly inspection and annual permits.

"Industrial pretreatment Class II customers" means any no categorical users discharging wastewater which may cause pass-through or interference with the system, or contain components as determined to be regulated and requires semiannual inspections and permits every two years.

"Industrial pretreatment Class III customers" means any user discharging waste other than domestic waste, having a reasonable potential to adversely affect the Encina Water Pollution Control Facility and requires annual inspections and permits every three years.

"Premises" means a lot or parcel of land, with building or establishment thereon.

"Sewage system" means those pipelines, plant facilities, and appurtenances constructed, maintained and operated by the city for the collection and treatment of sewage.

“Suspended solids” or “SS” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and are largely removable by laboratory filtering and as determined by the appropriate procedure in Standard Methods. (Ord. NS-143 § 1, 1991; Ord. 7054 § 4, 1978; Ord. 7039, 1971; Ord. 7027 § 1)

13.12.020 Sewer service charges established.
All persons whose premises in the city are served by a connection to the city sewer system whereby sewage or other waste material is disposed of through such systems, shall pay a sewer service charge imposed by resolution pursuant to the provisions of this chapter. (Ord. NS-143 § 2, 1991; Ord. NS-77 § 1, 1989; Ord. NS-69 § 1, 1989; Ord. NS-14 § 1, 1988; Ord. 7067 § 1, 1983; Ord. 7064 § 2, 1982; Ord. 7040 § 1, 1972; Ord. 7039, 1971; Ord. 7027 § 2)

13.12.030 Rates applicable only when sewer main is connected.
The charges fixed by Section 13.12.020 shall be applicable only to premises to which a sewer main is connected. (Ord. 7027 § 3)

13.12.050 Collection—When due and payable.
It shall be the duty of the city water department to collect all charges provided for in this chapter.

The charges fixed in this chapter for any premises shall be collected with the charges and rates for water service furnished by the city to such premises. The charges herein fixed shall be billed upon the same bill as is prepared for charges for water service, etc., and shall be due and payable at the same time that such charges for water services are due and payable. The total amount due for the charges herein fixed and for charges for water shall be paid as a unit. (Ord. 7027 §§ 5, 6)

13.12.060 Deposits.
The city council may require any person to deposit funds with the utilities and maintenance department to ensure collection of any charge fixed in this chapter and to ensure recovery of the actual cost of installing sewer laterals.

The difference between actual cost of sewer installation and the deposit amount shall be refunded upon the completion of the work. Costs incurred beyond the deposited amount shall be itemized and billed as an additional cost to the customer, upon review and approval by the director.

Deposits shall be established by resolution pursuant to the provisions of this chapter. (Ord. NS-143 § 3, 1991; Ord. 7027 § 7)

In the event that any person shall fail to pay any charge provided in this chapter when the same becomes due, the city may, in addition to any other remedies it has, cut off any of the services and facilities referred to in this chapter and shall not resume the same until all delinquent charges, together with any charges necessitated by resumption of such services and facilities have been fully paid. (Ord. 7027 § 8)

13.12.080 Determination of sewer service charge.
A. Fee Resolution. The city council has the authority by resolution, to establish fees when necessary to recover the costs for sewer services.

The City of Carlsbad Fee Resolution shall provide for a sewer service charge to be charged monthly to dischargers. The sewer service charge shall incorporate all costs of sewage collection, treatment and
disposal, including administrative and general expenses. The charge shall be based on four cost components:

1. City operations and maintenance;
2. City capital requirements;
3. City’s portion of costs associated with the Encina Water Pollution Control Facility (EPIC) operations and maintenance;
4. City’s portion of costs associated with EPIC capital requirements.

B. Allocation of Costs. All sewer service charges shall be calculated so as to allocate the costs of the enterprise to the dischargers in accordance with sewage quantity (flow) and quality (indicated by BOD and SS concentrations), including, but not limited to, costs incurred by the EPIC in treating and disposing of any effluent generated by discharges.

Group I residential dischargers shall be charged a flat rate amount per billing period. The flat rate amounts for multiple-family housing shall be administered according to the number of residential units per water meter.

All other discharger groups shall be charged a unit rate per hundred cubic feet (HCL) of water usage or a minimum charge, whichever is greater. Each discharger group shall have a separate unit rate per hundred cubic feet of water usage or minimum charge, whichever is greater. Each Group VI large volume discharger shall have a separate unit rate per hundred cubic feet of water usage or a minimum charge, whichever is greater. The City of Carlsbad fee resolution shall stipulate the unit rates and minimum charges based on wastewater quality and quantity.

Schools shall be charged on the basis of average daily attendance (ADA). The sewer service charge shall be applied throughout the 12-month year.

Every person granted an industrial waste permit pursuant to Title 13 of this code shall pay a fee to the city for inspection and control. The Encina Administrative Agency (EVA) shall determine the minimum number of inspections per year for each permittee as necessary for the proper enforcement of this chapter. The inspection fee shall be included with the sewer service charge in an amount specified in the Carlsbad fee resolution according to the minimum number of inspections determined by the EVA and applied throughout the 12-month year. The same enforcement provisions shall apply to the collection of such fees pursuant to this chapter. (Ord. NS-143 § 4, 1991)

13.12.090 Adjustment of charges.

A. Filing for an Adjustment of Charges. In any case where it is believed that a sewer service charge imposed by this article is excessive, the person responsible for paying such charge may apply to the director for adjustment by filing with the director, within 30 days from the date of service of such charge, a written dated affidavit containing:

1. A description, or address of the property involved in the requested adjustment;
2. The name or names and mailing addresses, of all the appellants participating in the requested adjustment;
3. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the requested adjustment;
4. A statement in ordinary and concise language describing the reason for the requested adjustment;
5. A statement of any material facts supporting the request for adjustment; specifically, statements alleging discriminatory, unreasonable, or unfair charges.

B. Determination. As soon as practical, but not longer than 60 days after receipt of request for adjustment, the director shall make a determination concerning the request for adjustment.
The charge shall be deemed to be nondiscriminatory, reasonable, and fair for a nonresidential user if at least 90% of the water supplied to the premises on an annual basis enters a public sewer.

The charge shall be deemed to be discriminatory, unreasonable, or unfair if the wastewater characteristics of the discharger indicate that the discharger should be assigned to a different discharger group, as defined herein.

During the course of the request the director may visit and inspect any building or premises involved in the proceedings, and may there receive oral testimony of any witness.

The findings of the director may wholly, partially, conditionally, approve or disapprove the requested adjustment. The decision of the director may be appealed to the city council by filing a written notice of appeal with the city clerk within 10 calendar days of the director’s decision. Fees for appeal shall be established by resolution of the city council.

If it is determined that the charge is discriminatory, unreasonable or unfair, the director shall adjust the charge so that it is fair, reasonable and nondiscriminatory. If the charge has already been paid, the excess paid during the year immediately preceding the date of application for adjustment shall be refunded. Charges which are delinquent for more than 90 days shall not be subject to adjustment. (Ord. NS-143 § 5, 1991)
Chapter 13.16

DISCHARGE OF INDUSTRIAL WASTE

Sections:
13.16.010 Short title.
13.16.030 Establishment of rules and regulations.
13.16.040 Permit required.
13.16.050 Issuance of permit.
13.16.051 Pretreatment plans required.
13.16.052 Self-monitoring and reporting.
13.16.053 Public access to information.
13.16.054 Revisions to permits.
13.16.060 Permit expiration, revocation or suspension.
13.16.080 Notice of intention to disconnect premises.
13.16.090 Enforcement.
13.16.100 Liability of person for damage to system.

13.16.010 Short title.
This chapter shall be known and may be cited as the industrial waste discharge ordinance. (Ord. 7035 § 1)

13.16.030 Establishment of rules and regulations.
The engineer is authorized and empowered to adopt such rules and regulations as may be deemed reasonably necessary to protect the sewer system and the joint sewer system, to control and regulate the proper use thereof and to provide for the issuance of permits; provided, however, that the terms and provisions of such rules and regulations shall be promulgated in a manner best directed to result in the uniform control and use of the joint sewer system by the parties to the basic agreement referred to in Section 13.04.010, or any amendments or supplements thereto, and provided further that such rules and regulations shall not become effective until approved by the city council, and a copy of such rules and regulations is filed with the city clerk. The more restrictive regulations shall apply in the event of any inconsistencies between joint sewer system regulations approved by city council and other regulations adopted by the city. (Ord. NS-129 § 4, 1990; Ord. 7035 § 19)

13.16.040 Permit required.
No person shall connect to or otherwise discharge, or cause to be discharged into the sewer system of the district or the joint sewer system, any industrial waste unless such person has theretofore filed with the engineering department of the city an application for an industrial waste discharge permit and the engineer has issued such a permit; provided, however, no such permit shall be required of any person who has heretofore connected to the sewer system and is discharging industrial waste into such system unless the engineer determines that such discharge does not meet the industrial waste discharge standards established by this article or the rules or regulations adopted as herein provided, in which case a permit shall be required. (Ord. 7035 § 17)

13.16.050 Issuance of permit.
Industrial waste permits shall be co-issued by the city and the Encina Water Pollution Control Facility according to this code and Encina Water Pollution Control Facility regulations approved by the city council and filed with the city clerk.
No permit shall be issued to any person to discharge industrial waste into the sewer system of the district or the joint sewer system if such discharge will be a hazard or danger to the health or safety of any person or to
the property of any person or if such discharge will result in a danger to the capacity, construction, use or proper performance or utilization of the sewer system or joint sewer system or be otherwise detrimental or injurious to such systems or either of them, and unless the applicant has complied with all state, federal and local laws and with all the provisions of this article and with all the applicable rules and regulations adopted as provided for this chapter. (Ord. NS-129 § 5, 1990; Ord. 7035 § 18)

13.16.051  Pretreatment plans required.
In the event the engineer determines that pretreatment is required to make the waste acceptable, the applicant shall be so notified and shall submit suitable engineering plans and specifications showing in detail the proposed pretreatment facilities and pretreatment operational procedures which shall be included within and become a part of the original application. A permit shall not be issued until such plans, specifications and operational procedures have been reviewed and approved by the engineer. (Ord. 7065 § 2, 1983)

13.16.052  Self-monitoring and reporting.
All industrial users shall be subject to self-monitoring and reporting requirements. The requirements for each applicable user shall be determined by the engineer and included in the user’s discharge permit. (Ord. 7065 § 2, 1983)

13.16.053  Public access to information.
Information and data provided by an industrial user identifying the nature and frequency of a discharge shall be available to the public without restriction. Any information or data which is submitted or which may be furnished by a user in connection with required periodic reports shall also be available to the public unless the user or other interested person specifically identifies and is able to demonstrate to the satisfaction of the engineer that the disclosure of such information or a particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets. (Ord. 7065 § 2, 1983)

13.16.054  Revisions to permits.
The engineer shall be empowered to revise discharge permit requirements to comply with evolving federal law. Permit revisions or modifications shall not be inconsistent with applicable federal pretreatment standards. (Ord. 7065 § 2, 1983)

13.16.060  Permit expiration, revocation or suspension.
Any permit issued in accordance with the provisions of this chapter shall be valid for a period specified on the permit, or if no term is specified, for one year, and is not transferable unless such permit is revoked or suspended as provided in this title and in the rules and regulations adopted pursuant thereto. (Ord. NS-129 § 6, 1990; Ord. 7065 § 3, 1983; Ord. 7035 § 20)

The engineer may revoke or suspend the permit issued to any person in the event of a violation by the permittee of any provision of any applicable state, federal or local law or this article or of any of the rules and regulations adopted in the manner provided for herein. The engineer may disconnect from the public sewer any connection sewer, main line sewer or other facility which is constructed, connected or used without a permit, or constructed, connected or used contrary to any of the provisions of any applicable state, federal or local law or this chapter or the rules and regulations adopted as provided for in this chapter. When a premises has been disconnected, it shall not be reconnected until the violation for which it was disconnected has ceased or been remedied and a reasonable charge for such disconnection and reconnection, as established by the engineer, has been paid. (Ord. 7035 § 22)
13.16.080 Notice of intention to disconnect premises.
The engineer shall give not less than five days’ notice of intention to disconnect the premises or to suspend or revoke a permit, stating the reasons therefor, and may grant a reasonable time for elimination of the violation; provided, however, that if the engineer determines that the danger is imminent and such action is necessary for the immediate protection of the health, safety or welfare of persons or property or for the protection of the sewer system or the joint sewer system, any premises may be disconnected and service terminated concurrently with the giving of such notice. Notice shall be given to the occupant of the premises, if any, and to the record owner of the property as shown upon the last equalized assessment roll of the county by United States mail, registered or certified, return receipt requested, postage prepaid or by posting such notice on the premises. (Ord. 7035 § 23)

13.16.090 Enforcement.
The engineer is charged with the duty of enforcing the provisions of this chapter and the rules and regulations adopted as provided in this chapter.

The engineer and the operator and their duly authorized agents and employees are authorized and shall be permitted to enter upon all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing or other reasons to assure the enforcement and proper application of all the provisions of this article and the rules and regulations adopted by the engineer as provided in this chapter. (Ord. 7035 §§ 21, 26)

13.16.100 Liability of person for damage to system.
Any person violating any provision of this chapter or any rule or regulation adopted as herein provided shall be liable for all damage to the sewer system or joint sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation. (Ord. 7035 § 25)
Chapter 13.20

SEPTIC TANK SYSTEMS

Sections:
13.20.010 General restrictions.
13.20.020 Requirements for septic tank systems.
13.20.030 Connection to public sewer system.
13.20.040 Application procedure—Existing lots.
13.20.050 Application procedure—Subdivisions.
13.20.060 Authority to adopt by resolution.

13.20.010 General restrictions.
A. No septic tank system shall be installed or constructed unless either of the following conditions exist:
   1. The public sewer system is not adjacent to the proposed development and the local sewer agency or utilities director determines that extension of the public sewer system is not feasible;
   2. The sewer moratorium pursuant to Section 18.05.020 of this code is in effect and none of the exceptions of that section are applicable.
B. No septic tank system shall be installed or constructed unless it meets all the requirements of this chapter and Chapter 3 of Division 8 of Title 6 of San Diego County Code of Regulatory Ordinances as adopted by reference by Section 6.02.010 of this code.
C. A septic tank system shall be the only acceptable alternative method of sewage disposal when connection to the public sewer is not available.
D. No septic tank effluent disposal system other than conventional leach lines or seepage pits may be constructed or installed on any lot or parcel.
E. No sewage other than domestic sewage may be discharged into any septic tank system.
F. Septic tank systems shall not be allowed for major subdivisions except as follows:
   1. A major subdivision of a parcel for which the applicable zoning ordinance specifically allows the use of an alternative sewer disposal system;
   2. A major subdivision which is a resubdivision of a commercial or industrial zoned parcel existing at the time of the ordinance codified in this chapter for which full public improvements, in accordance with current city standards, exist or have been assured by a secured improvement agreement as of the effective date of the ordinance codified in this chapter. (Ord. CS-164 § 3, 2011; Ord. 7056 § 1, 1979)

13.20.020 Requirements for septic tank systems.
The following requirements shall be met prior to approval of the construction or installation of a septic tank system:
A. Each newly created lot or parcel to be used for residential purposes which is to be served by a septic tank system shall have a minimum area of 15,000 square feet per dwelling unit or as required by the applicable zoning ordinance, whichever is greater.
B. Each newly created lot or parcel to be used for industrial or commercial purposes which is to be served by a septic tank system shall have a minimum area of one acre.
C. The minimum lot or parcel areas required by this section shall not include: “panhandles”; slopes in excess of 25%; deep fills or ravines.
D. A letter shall be obtained from the local sewer agency (if other than the city) and the utilities director recommending approval for the use of the proposed septic tank system.
E. Each septic tank system shall conform to all the current rules, regulations, policies, codes and ordinances of the county.

F. Each lot or parcel which is to be served by a septic tank system shall have an additional area suitable for expansion of the system equivalent to at least 100% of the total area used for the initial leach line or seepage pit installation.

G. A septic tank system permit shall be obtained from the county department of public health and one copy of this permit shall be submitted for each lot or building at the time the building plans are submitted to the community and economic development director for plan check.

H. The public sewer system shall be extended for future use to within one foot of each lot or parcel which is to be served by a septic tank system. The sewer line shall be constructed in a manner and location approved by the utilities director or local sewer agency. This requirement may be waived if the utilities director or the local sewer agency determines that extension of the public sewer system is not feasible.

(Ord. CS-164 § 3, 2011; Ord. NS-676 § 6, 2003; Ord. 1261 § 14, 1983; Ord. 7056 § 1, 1979)

13.20.030 Connection to public sewer system.
A structure or lot being served by a septic tank system may not obtain a sewer connection permit as long as the city or local sewer agency within whose service territory the lot or structure is located has no available sewage treatment capacity as may be determined by the city manager unless the city’s public health officer and utilities director certify that the existing septic tank system has failed and constitutes a health hazard and that there is no additional area available for expansion of the existing system and that the existing system cannot be repaired.

No person within the city sewer service area shall obtain priority in any sewer allocation system that may be adopted by the city council pursuant to Section 18.05.030 of this code due to the failure of any septic tank system constructed or installed pursuant to this chapter. (Ord. CS-164 § 3, 2011; Ord. 7056 § 1, 1979)

13.20.040 Application procedure—Existing lots.
A. Before the applicant submits plans to the community and economic development director, the applicant shall submit to the utilities director the following:
   1. A letter requesting city approval for use of a septic tank system;
   2. Soil conditions of trench or seepage pits and percolation test reports for each lot;
   3. A letter from the local sewer agency, if other than the city, recommending approval for use of the proposed septic tank system;
   4. Two copies of proposed development plans including a plot plan showing size and placement of all buildings and a preliminary grading plan;
   5. In addition, for commercial and industrial zoned property, the applicant shall also submit proposed use(s), area(s), and estimated sewage flow for each building;
   6. Such other information as may be required by the utilities director.
B. The utilities director will review the information and will issue a letter approving or disapproving the use of the proposed septic tank system.
C. At the time of the submission of the letter requesting city approval, the applicant shall pay to the engineering department a processing fee of $20.00 for each residentially zoned lot and $30.00 for each commercially or industrially zoned lot for which a septic system is proposed. (Ord. CS-164 § 3, 2011; Ord. NS-676 § 6, 2003; Ord. 1261 § 14, 1983; Ord. 7058 § 2, 1979; Ord. 7056 § 1, 1979)

13.20.050 Application procedure—Subdivisions.
A. Before making application for any minor subdivision or a major subdivision as provided for in Section 13.20.010(F) of this code, the applicant shall submit to the utilities director the following:
1. A letter requesting city approval for use of a septic tank system;
2. Two copies of the proposed tentative parcel map for minor subdivisions or tentative subdivision map for major subdivisions;
3. A letter from the local sewer agency, if other than the city, recommending approval for use of the proposed septic tank system;
4. In addition, for commercial and industrial zoned property, the applicant shall also submit:
   a. Two copies of proposed development plans including a plot plan showing size and placement of buildings and a preliminary grading plan,
   b. Proposed use(s), area(s), and estimated sewage flow for each building.

B. The utilities director will review the information and will issue a preliminary letter approving or disapproving the use of the proposed septic tank system.

C. If a preliminary letter of approval for the use of a septic tank system is issued by the utilities director, the applicant shall have the necessary tests performed and submit to the utilities director one copy of the soil condition of trench or seepage pit and percolation test reports for 100% of all proposed lots.

D. At the time the tentative parcel map or tentative subdivision map is submitted to the city for review, the applicant shall submit evidence that satisfactory percolation tests have been taken on 100% of the proposed parcels and said tentative parcel map or tentative subdivision map shall bear certification by the county health department that it has approved each proposed parcel for installation of a septic tank system in accordance with this chapter.

E. At the time of the submission of the letter requesting city approval, the applicant shall pay to the engineering department a processing fee of $30.00, plus $10.00 for each lot for which a septic system is proposed. (Ord. CS-164 § 3, 2011; Ord. 7058 § 2, 1979; Ord. 7056 § 1, 1979)

13.20.060 Authority to adopt by resolution.
The city council shall have authority to adopt by resolution any additional requirements for the installation and construction of septic tanks as it may determine are necessary for the protection, health and welfare of the public. (Ord. 7056 § 1, 1979)
Title 14

(RESERVED)
Title 15

GRADING AND DRAINAGE

Chapters:

15.04 General Regulations
15.08 Drainage Area Fee
15.12 Stormwater Management and Discharge Control
15.16 Grading and Erosion Control
Chapter 15.04

GENERAL REGULATIONS

Sections:

15.04.010 Title.
15.04.020 Definitions.

15.04.010 Title.
This title shall be known as the "Grading and Drainage Ordinances." (Ord. NS-879 § 1, 2008)

15.04.020 Definitions.
For the purpose of this title, the following words, terms or phrases shall be construed as defined in this section:

"Basin plan" means the Water Quality Control Plan for the San Diego Region (July 1975) and approved by the State Water Resources Control Board, together with subsequent amendments.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the United States, as defined in 40 CFR 122.2. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Building footprint" means the gross floor area of a structure measured at the ground level elevation within the confines of the exterior wall surfaces.

"Building permit" means a permit required by and issued pursuant to Chapter 18.04 of this code.

"Business activity SWPPP" means a stormwater pollution prevention plan prepared pursuant to the Industrial General Permit or pursuant to Section 15.12.080 of this code for the purpose of (1) identifying and evaluating sources of pollutants associated with business activities that may affect the quality of stormwater discharges and authorized non-stormwater discharges from a facility; and (2) identifying and implementing site-specific best management practices to reduce or prevent pollutants associated with business activities in stormwater discharges and authorized non-stormwater discharges from a facility.

"California ocean plan" means the California Ocean Plan: Water Quality Control Plan for Ocean Waters of California adopted by the State Water Resources Control Board effective February 14, 2006, and any subsequent amendment, revision or re-issuance thereof.

"City standards" means the standards used for the design and construction of public and private improvements in Carlsbad, including grading improvements and stormwater best management practices, as contained in the latest edition of the “City of Carlsbad City Standards” as promulgated by the city engineer.

"Construction SWPPP" means a stormwater pollution prevention plan prepared pursuant to the general construction permit, Sections 11.16.090, 15.12.080, 15.16.085 and 18.48.040 of this code and, city standards for the purpose of (1) identifying and evaluating sources of pollutants associated with construction activities that may affect the quality of stormwater discharges and authorized non-stormwater discharges from a construction site; and (2) identifying and implementing site-specific best management practices to reduce or prevent pollutants associated with construction activities in stormwater discharges and authorized non-stormwater discharges from a construction site.

"Development" means:

1. The placement or erection of any solid material or structure on land, in water, or under water;
2. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
3. The grading, removing, dredging, mining, or extraction of any materials;
4. A change in the density or intensity of the use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (Government Code Section 66410, et seq.) and any other division of land, including lot splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. A change in the intensity of the use of water, or of access to water;
6. The construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal entity; and
7. The removal or harvesting of major vegetation other than for agricultural purposes. As used in this definition, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Source: Government Code Section 65927).

“Development permit” means any permit approval or entitlement issued pursuant to Title 11, 15, 18, 20 or 21 of this code.

“Development project” means any new development or redevelopment with land disturbing activities, structural development, including construction or installation of a building or structure, the creation of impervious surfaces, public agency projects and land subdivision.

“Drainage master plan” means the report entitled City of Carlsbad Drainage Master Plan, dated July 2008, and any supplements, amendments, revisions or modifications made thereto as may be approved by city council resolution.

“General construction permit” means NPDES General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order No. 99-08-DWQ, NPDES No. CAS000002) issued by the State Water Resources Control Board, and any amendment, revision or re-issuance thereof. The general construction permit establishes a framework for regulating the discharge of stormwater runoff from construction activities as specified in the permit.

“General linear utility permit” means NPDES General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, Water Quality Order No. 2003-0007 issued by the State Water Resources Control Board, and any amendment, revision or re-issuance thereof. The general linear utility permit establishes a framework for regulating the discharge of stormwater runoff from small linear underground or overhead utility projects as specified in the permit.

“Illicit connection” means any man-made conveyance or drainage system through which a non-stormwater discharge to the stormwater drainage system occurs or may occur. Any connection to the MS4 that conveys an illicit discharge.

“Industrial general permit” means NPDES General Permit for Storm Water Discharges Associated with Industrial Activities (Order No. 97-03-DWQ, NPDES No. CAS000001) issued by the State Water Resources Control Board, and any amendment, revision or re-issuance thereof. The general industrial activity permit establishes a framework for regulating the discharge of stormwater runoff from certain industrial activities as specified in the permit.

“Jurisdictional urban runoff mitigation plan (JURMP)” means a written description of the specific jurisdictional runoff management measures and programs that each co-permittee will implement to comply with this order and ensure that stormwater pollutant discharges in runoff are reduced to the MEP and do not cause or contribute to a violation of water quality standards.

“Landscape manual” means the “landscape manual” adopted by city council resolution which contains the policies and requirements for the design, construction and maintenance of landscape and irrigation systems constructed pursuant to a city development approval.
“Low impact development (LID)” means a stormwater management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

“Maximum extent practicable (MEP)” means, with respect to best management practices (BMPs), an individual BMP or group of BMPs which reduces or eliminates the discharge of a pollutant of concern, which have a cost of implementation reasonably related to the pollution control benefits achieved, and which are technologically feasible.

“Municipal permit” means California Regional Water Quality Control Board San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758 Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority (Municipal Permit), and any amendment, revision or re-issuance thereof.

“National Pollution Discharge Elimination System (NPDES) permit” refers to a permit issued by the San Diego Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5, Division 7 of the California Water Code, to control discharges from point sources to waters of the United States, including, but not limited to:

1. Municipal permit;
2. General industrial activity permit;
3. General construction permit;
4. General linear utility permit; and
5. California Regional Water Quality Control Board, San Diego Region, General De-Watering Permits (Order Numbers 91-10 and 90-31) and any amendment, revision or re-issuance thereof.

“National Pollution Discharge Elimination System (NPDES) general permit” means a permit issued by the State Water Resources Control Board which establishes a framework for regulating the discharge of stormwater runoff for certain broad classes of activities, including, but not limited to:

1. General construction permit;
2. General industrial activity permit; and
3. General linear utility permit.

“Non-stormwater discharge” means all discharges to and from a MS4 that do not originate from precipitation events (i.e., all discharges from a MS4 other than stormwater). Non-stormwater includes illicit discharges and NPDES permitted discharges.

“Occupancy permit” means a permit required or issued pursuant to Chapter 21.60 of this code.

“Pollutant” means any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated.

“Planned local drainage area (PLDA)” means one of four drainage areas within the city identified within the drainage master plan. Separate planned local drainage area (PLDA) fees are established for each of the four drainage areas and were calculated to be equal to or less than the cost of the planned local facility drainage improvements within each respective PLDA.

“Planned local drainage facility” means any storm drainage facility, flood control facility or water quality enhancement facility identified in the drainage master plan including drainage easements, storm drain pipes, inlet structures, outlet structure, sedimentation and de-pollutant basins, drop structures, rip rap, junction structures, environmental mitigation measures, water quality monitoring and testing equipment and other improvements necessary to convey, contain or enhance the quality of stormwater discharge.

“Priority development project” means new development and redevelopment project categories listed in section D.1.d(2) of the municipal permit.

“Rainy season” or “wet season” means October 1st to April 30th.
“Receiving waters” means Waters of the United States. These are surface bodies of water which serve as receiving points for discharges from the stormwater conveyance system, including Encinas Creek, San Marcos Creek, Batiquitos Lagoon, Agua Hedionda Lagoon, San Elijo Lagoon and Buena Vista Lagoon and their tributary creeks, reservoirs, lakes, estuaries, and the Pacific Ocean.

“Standard urban stormwater management plan (SUSMP)” means a plan, prepared pursuant to the municipal permit, to reduce pollutants and runoff flows from all new development and significant redevelopment projects that fall under priority project categories. When used in the Carlsbad Municipal Code, this refers to the SUSMP prepared by the City of Carlsbad.

“Stormwater” means, per 40 CFR 122.26(b)(13), stormwater runoff, snowmelt runoff and surface runoff and drainage. Surface runoff and drainage pertains to runoff and drainage resulting from precipitation events.

“Stormwater conveyance system” means private and public drainage facilities by which stormwater may be conveyed to receiving waters, such as natural drainages, ditches, roads, streets, constructed channels, aqueducts, storm drains, pipes, culverts, street gutters or catch basins.

“Stormwater management plan (SWMP)” means a stormwater management plan prepared in accordance with the SUSMP which describes TCBMPs to be constructed on a development site. A stormwater management plan also includes recommended maintenance activities and schedules of maintenance for any structural treatment controls included in the plan.

“Stormwater pollution prevention plan (SWPPP)” means a document which describes the on-site program activities and structural treatment control measures to eliminate or reduce to the maximum extent practicable, pollutant discharges to the stormwater conveyance system primarily through the application and use of best management practices. A SWPPP is prepared in accordance with the requirements of a NPDES general permit and/or city standards.

“Stormwater standards questionnaire” means the questionnaire form, as specified in the SUSMP, filled out and signed by the responsible party submitting an application for a development permit, and used by the city to determine if the development project is required to comply with standard or priority project stormwater requirements.

“Treatment control best management practice (TCBMP)” means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process. (Ord. CS-277, 2015; Ord. CS-151 § 1, 2011; Ord. CS-004 § 1, 2008; Ord. NS-879 § 1, 2008)
Chapter 15.08

DRAINAGE AREA FEE

Sections:
15.08.010 Purpose.
15.08.015 Definitions.
15.08.020 Prohibition of development.
15.08.030 Application requirements.
15.08.040 Fee.
15.08.060 Use of fees.
15.08.070 Assessment districts.
15.08.080 Reimbursement agreements.
15.08.090 Advance of funds by city.
15.08.100 Expiration of chapter.
15.08.110 Fee deferral.

15.08.010 Purpose.
A. This chapter imposes a planned local drainage area fee to pay for various planned local drainage facility improvements within the city. The amount of the fee is based upon engineering analysis and has been calculated to be equal to or less than the cost of the planned local drainage facility improvements as described in the drainage master plan.
B. This chapter is necessary to ensure the completion of planned local drainage facility storm drainage, flood control and water pollution control improvements in a timely manner concurrent with the need for such improvements. The construction of the planned local drainage facility improvements funded by this fee will help ensure compliance with the city’s growth management standards relating to drainage facilities and with the water quality improvement requirements of the municipal permit. (Ord. CS-004 § 1, 2008; Ord. NS-293 § 2, 1994)

15.08.015 Definitions.
When used in this chapter, the following term shall have the meaning ascribed to it in this section:

“Impervious surface” means any surface which cannot be effectively or easily penetrated by water. Examples include conventional pavements, buildings, non-porous concrete and asphalt walkways, driveways, patios and building foundations and rock outcroppings. For purposes of this chapter any soil surface whether highly compacted or not shall not be considered an impervious surface. (Ord. CS-004 § 1, 2008)

15.08.020 Prohibition of development.
Except as provided in this section, no final or parcel map shall be approved nor shall any building permit or occupancy permit for any project be issued and no person shall build, use or occupy any project, without first paying the planned local drainage area fee established by, or otherwise complying with, this chapter. The following projects shall be exempt from the requirements of this chapter:
A. Projects located on sites which have been previously developed with a permanent commercial, industrial or residential structure which do not increase the impervious surface area of the respective property by 50% or more and which do not contribute to any increase in the 100-year runoff value to any required planned local drainage area improvement located downstream of the proposed project. The 50% criteria shall be measured cumulatively for multiple discrete project applications covering the same property where such applications are filed within two years of one another.
B. Projects involving remodels or additions that do not increase the building footprint by 500 square feet. The 500 square feet criteria shall be measured cumulatively for multiple discrete project applications covering the same property where such applications are filed within two years of one another.

C. Projects located on property which was subdivided after October 16, 1980, and for which the subdivider for said property paid or received credit for payment of any PLDA fees.

D. Projects by public agencies or entities. (Ord. CS-004 § 3, 2008; Ord. NS-293 § 2, 1994)

15.08.030 Application requirements.
In addition to any other requirements for a building permit authorized pursuant to Title 18 of this code and as established by the building official, the applicant for a building permit, subject to the fee payment requirements of this chapter, shall:

A. Submit a site plan showing the existing and proposed impervious surface areas located on the property together with a summary of the acreages of existing and proposed impervious surface areas.

B. Pay the planned local drainage area fee established by action of this chapter. (Ord. CS-004 § 4, 2008; Ord. NS-293 § 2, 1994)

15.08.040 Fee.
A. The planned local drainage area fee schedule shall be established by city council resolution and shall be considered part of this chapter.

B. A planned local drainage area fee shall be paid by the owner or developer prior to the issuance of any building permit or occupancy permit or prior to final or parcel map approval for a project, whichever occurs first. The planned local drainage area fees shall be adjusted annually based upon the July, 2008 Engineering News Record Los Angeles Construction Cost Index of 9335.69 based on the 1967 average = 100.

C. If, as a condition of development, the project owner or developer is required to construct a planned local drainage facility, then the developer may receive a credit against payment of the planned local drainage area fee. The amount of the fee credit shall not exceed the facility cost as estimated in the master drainage plan plus the adjustments provided for in subsection B of this section. If the cost of the planned local drainage facility installed by the developer exceeds the amount of the fee credit established by this subsection the developer is eligible for reimbursement on the balance of the facility costs pursuant to Section 15.08.080 of this chapter.

D. The drainage fee paid for each property subject to this chapter shall be based upon the gross property acreage (including easements and not more than 30 feet of the fronting street right-of-way measured at right angles to the property line along the full extent of the street frontage) less any area of constrained land as it may be defined in Section 21.53.230 and based upon the runoff potential for the respective general plan designation for the property. The runoff potential for each land use designation shall be as indicated within Appendix C of the drainage master plan.

E. The applicant for a building permit may request adjustment of the PLDA fees specified in this chapter upon submittal of a written request to the city engineer. The request should include an explanation of the reason for the requested adjustment and any documentation in support of the request. Upon review of the request, the city engineer shall determine whether to approve or deny the requested adjustment in accordance with the following provisions:

1. When portions of the project have slopes greater than 25% and less than 40%, as defined in Chapter 21.95, one-half the fee for those portions may be waived. The criteria for waiver should be that the slope is undisturbed and has a flourishing cover of native vegetation; that the owner irrevocably covenants with the city to maintain the slope as open space; and that the sloped area has not been used to compute more than one-half of an area equal to the sloped area used to establish the maximum development density of the project.
2. The increment of a project that is replacing a building destroyed by accidental fire or natural disaster may be considered to be deducted from the valuation of the project PLDA fee.

3. Structures that will not be in place from November 16th through April 14th of any year are considered temporary for the purposes of this chapter. Temporary buildings may have the payment of PLDA fees reimbursed without interest when they have been removed and when the areas under and appurtenant to them are restored to their natural hydrologic condition. Appurtenant areas include parking areas, walks, activity areas and other areas accessory to the use of the building. Structures and appurtenant areas that have not been removed between any period from November 16th through April 14th during their existence are not eligible for reimbursement of any portion of the PLDA fee.

4. The project includes Low Impact Development (LID) or hydro-modification features, as such features are described in the city’s Standard Urban Stormwater Mitigation Plan, or other design features that reduce the 100-year flood runoff values in the post construction condition to such an extent that the runoff values are reduced to the level consistent with a project with a lesser runoff level. For example, a project with a high runoff value that installs LID features that result in runoff values that equate to a medium runoff level would result in a fee reduction from the high level to a medium level. In no case, however, shall the fee be reduced below the fee imposed for the low runoff level.

The decision of the city engineer may be appealed to the city council pursuant to Section 15.16.160 of this title.

F. Where the approval of a final or parcel map does not convey any development rights, and subsequent discretionary actions are necessary for the development of the property, the planned local drainage area fee may be deferred to the issuance of a building permit or occupancy permit or the next final or parcel map approval for the project, whichever occurs first. (Ord. CS-186 § 4, 2012; Ord. CS-154 § 4, 2011; Ord. CS-094 § 4, 2010; Ord. CS-084, 2010; Ord. CS-041 § 4, 2009; Ord. CS-004 § 5, 2008; Ord. NS-293 § 2, 1994)

15.08.060 Use of fees.
Drainage area fees collected hereunder shall be segregated according to their source and deposited into a planned local drainage area facility fund established for each planned local drainage area and the funds therein and interest accruing thereto shall be expended solely for the construction of or for reimbursement for construction of planned local drainage facilities within the respective planned local drainage area. All of the fees collected shall be expended solely to build or finance planned local drainage facilities serving the city. (Ord. CS-004 § 7, 2008; Ord. NS-293 § 2, 1994)

15.08.070 Assessment districts.
If an assessment district or special taxing district is established for all or any part of the area subject to this chapter to fund storm drain improvements which are or will be funded in whole or in part by the fee established by this chapter, the owner or developer of a project may apply to the city council for a credit against the fee in an amount equal to the assessment or taxes paid. (Ord. NS-293 § 2, 1994)

15.08.080 Reimbursement agreements.
The city council may, at its discretion, enter into a reimbursement agreement with a developer, when said developer has constructed a planned local drainage facility improvement. Reimbursement shall be made only as fees are collected in connection with the development of other property in the same planned local drainage area in which said facilities were constructed. The schedule of payments for the reimbursement shall take into consideration the schedule of planned local drainage facility improvement construction contemplated in the adopted capital improvement program and shall be made at the sole discretion of the city council. The amount of reimbursement shall be limited to the actual cost, including engineering and other
15.08.090

costs, of such facilities at the time they are constructed. The term of reimbursement agreements shall not exceed 10 years. The payment of any reimbursement shall be limited to the extent that funds are available through the collection of the PLDA fees. If the amount of reimbursement exceeds the cost of the facility as estimated in the master drainage plan including the adjustments provided for in Section 15.08.040(B), then the city council shall revise the facility fee schedule accordingly. The developer requesting reimbursement shall pay or receive appropriate fee credits based upon the revised fee schedule. (Ord. NS-293 § 2, 1994)

15.08.090 Advance of funds by city.
The city may advance money from any available source or fund for the construction of improvements which would otherwise be paid for from fees collected pursuant to this chapter and reimburse itself from future fees. (Ord. NS-293 § 2, 1994)

15.08.100 Expiration of chapter.
This chapter shall be of no further force and effect when the city council determines that the amount of fees which have been collected reaches an amount equal to the cost of the storm drain improvements. (Ord. NS-293 § 2, 1994)

15.08.110 Fee deferral.
Notwithstanding anything in this chapter to the contrary, all planned local drainage area fees for any residential development that consists of five or more dwelling units and for all new commercial, office, and industrial buildings or building additions shall only be paid prior to building permit issuance, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant.

If the applicant chooses to defer the payment of fees to prior to the request for final inspection, then the amount of the fees shall be based on the fees in effect at the time of the request for final inspection.

In the event that the city, for any reason, fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or the property owner. (Ord. CS-271 § II, 2015; Ord. CS-200 § II, 2013)
Chapter 15.12

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

Sections:
15.12.010 Purpose and intent.
15.12.020 Definitions.
15.12.030 Administration.
15.12.040 Applicability.
15.12.050 Prohibited discharges.
15.12.055 Exemptions from discharge prohibitions.
15.12.060 Discharge in violation of permit.
15.12.070 Illicit connections.
15.12.080 Reduction of pollutants contacting or entering stormwater required.
15.12.090 Stormwater conveyance system protection.
15.12.095 Structural treatment control BMP maintenance requirement.
15.12.100 Authority to inspect.
15.12.110 Inspection procedures—Additional requirements.
15.12.120 Containment, cleanup, and notification of spills.
15.12.130 Testing, monitoring or mitigation requirements.
15.12.140 Concealment.
15.12.150 Administrative code enforcement powers and procedures.
15.12.160 Administrative notice, hearing, and appeal procedures.
15.12.170 Judicial enforcement.
15.12.180 Violations deemed a public nuisance.
15.12.190 Remedies not exclusive.

15.12.010 Purpose and intent.
The purpose of this chapter is to ensure the environmental and public health, safety, and general welfare of the residential, commercial, and industrial sectors of the City of Carlsbad by:
A. Prohibiting non-stormwater discharges to the stormwater conveyance system.
B. Eliminating discharges to the stormwater conveyance system from spills, dumping or disposal of materials other than stormwater or permitted or exempted discharges.
C. Reducing pollutants in stormwater discharges to the maximum extent practicable, including those pollutants taken up by stormwater as it flows over urban areas (urban runoff).
D. Reducing pollutants in stormwater discharges in order to achieve applicable water quality objectives for receiving waters within the City of Carlsbad.

The intent of this chapter is to protect and enhance the water quality of the City of Carlsbad receiving waters and wetlands in a manner pursuant to and consistent with the Clean Water Act and municipal permit. (Ord. NS-880 § 1, 2008)

15.12.020 Definitions.
When used in this chapter, the following terms shall have the meanings ascribed to them in this section:
“Clean Water Act” means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 95-117 (33 USCA Section 1251 et seq.), and any subsequent amendments.
“County health officer” means the health officer of the County of San Diego department of public health or designee.
“Employee training program” means a documented employee training program for all persons responsible for implementing a stormwater pollution prevention plan. The employee training program shall include, but is not limited to, the following topics:

1. Laws, regulations, and local ordinances associated with stormwater pollution prevention, and an overview of the potential impacts of polluted stormwater on the receiving waters of the San Diego region;
2. Proper handling of all materials and wastes to prevent spillage;
3. Mitigation of spills including spill response, containment and cleanup procedures;
4. Visual monitoring of all effluent streams to ensure illicit discharges do not enter the stormwater conveyance system;
5. Discussion of the differences between the stormwater conveyance system and the sanitary sewer system;
6. Identification of all on-site connections to the stormwater conveyance system;
7. Preventive maintenance and good housekeeping procedures;
8. Material management practices employed by the facility to reduce or eliminate pollutant contact with stormwater discharge; and
9. Documentation of training and records detailing dates, time, subjects covered and attendance.

“Enforcement agency” means the City of Carlsbad or its authorized agents charged with ensuring compliance with this chapter.

“Enforcement official” means the city manager of the City of Carlsbad or designee.

“Hazardous materials” means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat or other means, if such a substance or mixture of substances may cause, or contribute to, substantial injury, serious illness or harm to humans, domestic livestock, wildlife, or deterioration of receiving water quality or the environment.

“Illegal discharge” means any discharge to the stormwater conveyance system that is not composed entirely of stormwater, or is expressly prohibited by federal, state, or local regulations, laws, codes, or ordinances, or degrades the quality of receiving waters in violation of any NPDES permit, the basin plan and California ocean plan standards.

“Parking lot” means an open area, other than a street or other public way, used for the parking of motorized vehicles, whether for a fee or free, to accommodate clients or customers or to accommodate residents of multi-family dwellings (i.e., apartments, condominiums, townhomes, mobile homes, dormitories, group quarters, etc.).

“Person” means any individual, organization, business trust, company, partnership, entity, firm, association, corporation, or public agency, including the State of California and the United States of America.

“Premises” means any building, lot parcel, real estate, land or portion of land whether improved or unimproved.

“Responsible party” means one or more persons that control, are in possession of or own property that shall be individually or, jointly and severally held responsible for compliance with the provision of this chapter or with any illicit discharge from property controlled, possessed or owned. As defined in this chapter, “property” includes, but is not limited to, real estate, fixtures, facilities or premises of any kind located upon, under or above the real estate. This definition of responsible party does not include the city when an illicit discharge is caused by a person on a public street or on public property.

“Wetlands” means areas that are inundated or saturated by surface or ground waters at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegeta-
tion typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Ord. NS-880 § 1, 2008)

15.12.030 Administration.
The enforcement official shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon, the enforcement official may be delegated by the enforcement official to persons in the employ of the City of Carlsbad, or pursuant to contract. When deemed necessary by the enforcement official, the enforcement official shall prepare and present to the city council for approval regulations consistent with the general policies established herein by the city council. The enforcement official shall enforce council approved regulations necessary to the administration of this chapter, and may recommend that the council amend such regulations as conditions require. (Ord. NS-880 § 1, 2008)

15.12.040 Applicability.
This chapter shall be interpreted to assure consistency with the requirements of the federal Clean Water Act, applicable implementing regulations, and municipal permit. (Ord. NS-880 § 1, 2008)

15.12.050 Prohibited discharges.
The discharge of non-stormwater discharges to the stormwater conveyance system or to any other conveyance system which discharges into receiving water is prohibited, including, but not limited to:

A. Sewage;
B. Discharges of washwater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
C. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, and port-apotty servicing, etc.;
D. Discharges of washwater from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning, etc.;
E. Discharges of washwater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, and residential areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.;
F. Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
G. Discharges of pool or fountain water containing chlorine, algaeicides, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
H. Discharges of saline swimming pool water unless such discharge can be discharged via a pipe or concrete channel directly to a naturally saline water body (e.g., Pacific Ocean);
I. Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and
J. Discharges of food-related wastes (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.). (Ord. CS-278, 2015; Ord. NS-880 § 1, 2008)

15.12.055 Exemptions from discharge prohibitions.
A. The prohibition on discharges shall not apply to any discharge regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Chapter 5.5, Division 7, of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and other applicable laws and regulations. Proof of compliance with such permit may be required in a form acceptable to the city prior to or as a condition of a subdivision map, site plan, building permit, or
development improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

B. Non-stormwater discharges to the MS4 from the following categories of non-stormwater discharges are allowed if the discharger obtains coverage under NPDES Permit No. CAG919002 (RWQCB Order No. R9-2008-0002, or subsequent order) and the discharger is in compliance with all requirements of the applicable NPDES permit and all other applicable laws and regulations; or the RWQCB determines in writing that coverage under NPDES Permit No. CAG919002 is not required. Otherwise, non-stormwater discharges from the following categories are illicit discharges:

1. Discharges from uncontaminated pumped groundwater;
2. Discharges from foundation drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year;
3. Discharges from crawl space pumps;
4. Discharges from footing drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year.

C. Non-stormwater discharges to the MS4 from water line flushing and water main breaks are allowed if the discharges have coverage under NPDES Permit No. CAG679001 (Regional Water Quality Control Board Order No. R9-2010-0003, or subsequent order), and the discharger is in compliance with all requirements of that NPDES permit and other applicable laws and regulations. This category includes water line flushing and water main break discharges from water purveyors issued a water supply permit by the California Department of Public Health or federal military installations. Discharges from recycled or reclaimed water lines to the MS4 are allowed if the discharges have coverage under an NPDES permit, and the discharger is in compliance with the applicable NPDES permit and other applicable laws and regulations. Otherwise, discharges from water lines are illicit discharges.

D. Non-stormwater discharges to the MS4 from the following categories are allowed, unless the enforcement official or the Regional Water Quality Control Board identifies the discharge as a source of pollutants to receiving waters, in which case the discharge is considered an illicit discharge:

1. Discharges from diverted stream flows;
2. Discharges from rising groundwater;
3. Discharges from uncontaminated groundwater infiltration to the MS4;
4. Discharges from springs;
5. Discharges from riparian habitats and wetlands;
6. Discharges from potable water sources, except as set forth in subsection C of this section;
7. Discharges from foundation drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to produce non-stormwater discharges under unusual circumstances; and
8. Discharges from footing drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to produce non-stormwater discharges under unusual circumstances.

E. Non-stormwater discharges from the following categories are allowed if they are addressed with BMPs. Otherwise, non-stormwater discharges from the following categories are illicit discharges:

1. Air conditioning condensation;
2. Individual residential vehicle washing;
3. Flows from non-emergency fire fighting activities; and
4. Flows from emergency fire fighting activities.
F. The prohibition of discharges shall not apply to any discharge which the enforcement official, the county health officer, the state or San Diego Regional Water Quality Control Board, or U.S. Environmental Protection Agency determines in writing are necessary for the protection of the environment, water quality, and public health and safety. (Ord. CS-278, 2015; Ord. NS-880 § 1, 2008)

15.12.060 Discharge in violation of permit.
Any discharge that would result in or contribute to a violation of municipal permit either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge. (Ord. NS-880 § 1, 2008)

15.12.070 Illicit connections.
It is prohibited to establish, use, maintain, conceal or continue illicit connections to the stormwater conveyance system, regardless of whether such connections were made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection except as authorized in Section 15.12.050. (Ord. NS-880 § 1, 2008)

15.12.080 Reduction of pollutants contacting or entering stormwater required.
A. It is unlawful for any person not to utilize best management practices to the maximum extent practicable to eliminate or reduce pollutants entering the city’s stormwater conveyance system.
B. In order to reduce the risk of contamination of stormwater and the discharge of non-stormwater or pollutants to the city’s stormwater conveyance system, the enforcement official may require the person(s) conducting the following activities to implement best management practices to the maximum extent practicable:
   1. Automobile, airplane, boat, and/or vehicle repair, service, fueling, maintenance, washing, storage, and/or parking;
   2. Landscape and garden care activities including application of related products, such as pesticides, herbicides, and fertilizers;
   3. Building remodeling, repair and maintenance, including, but not limited to: cement mixing, repair or cutting, masonry, plumbing, painting and/or coating;
   4. Impervious surface or building washing or cleaning, including pressure washing or steam cleaning;
   5. Storage and disposal of household hazardous waste (e.g., paints, used motor oil, cleaning products, pesticides, herbicides);
   6. Disposal of pet waste;
   7. Storage and disposal of green waste;
   8. Mobile carpet, drape or furniture cleaning;
   9. Pool, spa, jacuzzi, or fountain cleaning, servicing, or repair;
   10. Pest control;
   11. Plant growing including: farmlands, fields, nurseries, greenhouses, and botanical gardens.
C. Persons conducting an activity or activities that the enforcement official determines may contribute to an illegal discharge to the stormwater conveyance system, and/or a tributary to a Clean Water Act Section 303(d) impaired water body, where the site or source generates pollutants for which the water body is impaired; and/or any person within or directly adjacent to or discharging directly to a coastal lagoon or other receiving water may also be subject to subsection B.
D. Business Activity Stormwater Pollution Prevention Plan (SWPPP). When the enforcement official determines that a person in the course of conducting a business-related activity causes, has the potential
to cause, or contributes to a violation of the water quality standards set forth in the San Diego basin plan or California ocean plan, or conveys pollutants to receiving waters that may cause or contribute to the deterioration of water quality, then the enforcement official may require the person to develop and implement a business activity SWPPP that includes the implementation and use of best management practices, and an employee training program. This section applies, but is not limited to:

1. Persons conducting maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, and/or cleanup activities partially or wholly out of doors;

2. Persons conducting automobile, airplane, boat, and/or equipment mechanical service, repair, maintenance, fueling, cleaning and/or parking; marinas; mobile automobile or other vehicle washing and/or parking; retail or wholesale fueling; mobile carpet, drape or furniture cleaning; pest control services; eating and drinking establishments; cement mixing, repair or cutting; masonry; painting and coating; surface or building washing or cleaning services, including pressure washing or steam cleaning; botanical or zoological gardens and exhibits; landscaping and lawn and garden services; nurseries and greenhouses; golf courses, parks and other recreational areas/facilities; cemeteries; pool and fountain cleaning; or port-a-potty servicing;

3. Persons owning or operating a parking lot or an impervious surface (including, but not limited to, service station pavements, sidewalks, patios and paved private streets and roads) used for automobile-related or similar purposes shall clean those surfaces as frequently and as thoroughly as is necessary, in accordance with best management practices, to prevent the discharge of pollutants to the city’s stormwater conveyance system. Sweepings or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to enter any stormwater conveyance system, gutter, or roadway, but must be disposed of in accordance with regional and local solid waste procedures and regulations.

Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall clean those surfaces thoroughly as is necessary to prevent the accumulation and discharge of pollutants to the stormwater conveyance system to the maximum extent practicable, but not less than once prior to each rainy season. Sweepings or cleaning residue from parking lots or said impervious surfaces shall not be swept or otherwise made or allowed to enter the gutter, roadway or stormwater conveyance system.

E. Development, Grading or Construction Activities. Any person engaged in development, grading or construction in the City of Carlsbad shall utilize best management practices to prevent pollutants from entering the stormwater conveyance system by complying with city standards, all applicable local ordinances, including Chapter 15.16 of the Carlsbad Municipal Code, the standard specifications for public works construction, when performing public work, and, required provisions of all applicable NPDES permits.

In order to reduce the risk of contamination of stormwater and the discharge of non-stormwater or pollutants to the city’s stormwater conveyance system, the enforcement official may require the person conducting the development, grading or construction activities to prepare and implement a construction SWPPP in compliance with city standards and/or to implement best management practices to the maximum extent practicable.

F. No person shall stand or park any vehicle or equipment on any street for the purpose of washing, greasing, repairing, and/or maintaining the vehicle or equipment, except for repairs necessitated by an emergency.

G. No person shall stand or park any vehicle or equipment on any public street, if such vehicle or equipment is determined by the enforcement official to be leaking fluids such as oils or other fluids that contribute or have the potential to contribute a discharge of pollutants to the stormwater conveyance system and/or the receiving waters.

H. Other activities not covered by subsections B, C, D, E and F of this section. In order to reduce the risk of contamination of stormwater, the discharge of non-stormwater or, pollutants to the city’s stormwater
conveyance system, the enforcement official may require the person conducting any activity not listed in subsections B, C and D of this section, to implement best management practices to the maximum extent practicable, if the enforcement official determines that the activity has the potential to discharge pollutants or is known to discharge pollutants to the stormwater conveyance system or receiving waters.

I. Stormwater Management Plan (SWMP). Any project issued a development permit shall comply with all applicable best management practices and low impact development (LID) requirements of the municipal code, standard urban stormwater mitigation plan (SUSMP) or BMP Design Manual, city standards and this code including but not limited to the following:

1. All development permit applications for priority development projects shall be accompanied by a SWMP prepared pursuant to the SUSMP or BMP Design Manual. No development permit shall be approved or issued unless the following requirements have been met:
   a. The city engineer has approved the SWMP in accordance with the SUSMP or BMP Design Manual; and
   b. The development project complies with all best management practices specified in the approved SWMP.

2. No development permit shall be issued for a priority development project without ensuring that all structural treatment control best management practices, as specified in the approved SWMP, will be maintained in compliance with the requirements of the municipal permit, JRMP and SUSMP or BMP Design Manual. To ensure maintenance of the structural treatment control best management practices, the owner of the development site shall enter into a permanent stormwater quality best management practices maintenance agreement or provide an alternate maintenance mechanism as approved by the enforcement official. (Ord. CS-278, 2015; Ord. NS-880 § 1, 2008)

15.12.090 Stormwater conveyance system protection.

A. Every person owning property through which a stormwater conveyance system passes, and such person’s lessee or tenant, shall keep and maintain that part of the stormwater conveyance system within the property free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate or significantly retard the flow of water through the stormwater conveyance system.

B. Every person shall maintain privately owned stormwater conveyance structures within or adjacent to a stormwater conveyance system, so that such structures do not become a hazard to the use, function or physical integrity of the stormwater conveyance system.

C. Every person shall not remove healthy banks of vegetation beyond that actually necessary for such maintenance which shall be accomplished in a manner that minimizes the vulnerability of the stormwater conveyance system to erosion; and shall be responsible for maintaining that portion of the stormwater conveyance system that is within their property lines in order to protect against erosion and degradation of the stormwater conveyance system originating or contributed from their property.

D. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the city and the appropriate state or federal agencies, if applicable:

1. Discharge pollutants into or connect any pipe or channel to the stormwater conveyance system;
2. Modify the natural flow of water in a stormwater conveyance system;
3. Carry out developments within 30 feet of the center line of any stormwater conveyance system or 20 feet of the edge of a stormwater conveyance system, whichever is the greater distance;
4. Deposit in, plant in, or remove any material from a stormwater conveyance system including its banks except as required for necessary maintenance;
5. Construct, alter, enlarge, connect to, change or remove any structure in a stormwater conveyance system;
6. Place any loose or unconsolidated material along the side of or within a stormwater conveyance system or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through such a stormwater conveyance system.

The above requirements do not supersede any requirements set forth by the California Department of Fish and Game Stream Alteration Permit process. (Ord. NS-880 § 1, 2008)

15.12.095 Structural treatment control BMP maintenance requirement.
A. Every person owning property which includes a structural treatment control best management practice (BMP), installed pursuant to a city approved stormwater management plan, shall:
1. Insure that each and every city-approved structural treatment control BMP is operating effectively and has been adequately maintained; and
2. Provide an annual verification of the effective operation and maintenance of each and every city-approved structural treatment control BMP by the party responsible for the maintenance of the structural treatment control BMP. The annual verification shall be submitted to the enforcement official in a format as approved by the city prior to the start of the rainy season.
B. The enforcement official shall have the authority to conduct an inspection of any property containing a city-approved structural treatment control BMP to enforce the provision of this section in accordance with the inspection provisions specified in Sections 15.12.100 and 15.12.110 of this chapter. (Ord. NS-880 § 1, 2008)

15.12.100 Authority to inspect.
A. During normal and reasonable hours of operation, the enforcement official shall have the authority to conduct an inspection to enforce the provisions of this chapter, and to ascertain whether the requirements of this chapter are being met. The enforcement official has the authority to inspect all publicly visible and accessible areas during reasonable times without the permission of the property owner or representative, as long as those areas are not specifically designated as no public access areas. If inaccessible or limited access areas are to be inspected, an inspection may be conducted after the enforcement official has presented the proper credentials and the owner, occupant, and or facility operator authorizes entry. If the enforcement official is unable to locate the owner or other persons having charge or control of the premises, or the owner, occupant, and/or facility operator refuses the request for entry, the City of Carlsbad is empowered to seek assistance from any court of competent jurisdiction in obtaining entry.
B. After obtaining authorized entry to a business or facility, the enforcement official may:
1. Inspect the premises at all reasonable times.
2. Carry out any sampling activities or install devices to conduct sampling or metering operations necessary to enforce this chapter, including taking samples from the property which the enforcement official reasonably believes is currently, or has in the past, caused or contributed to causing an illegal stormwater discharge to the stormwater conveyance system. Upon request by the property owner or authorized representative, split samples shall be given to the person from whose property the samples were obtained.
3. Conduct tests, analyses and evaluations to determine whether a discharge of stormwater is an illegal discharge or whether the requirements of this chapter are met.
4. Photograph any effluent stream, material or waste, material or waste container, container label, vehicle, waste treatment process, waste disposal site connection, or condition believed to contribute to stormwater pollution or constitute a violation of this chapter.
5. Review and obtain a copy of the industrial activity stormwater pollution prevention plan, the hazardous materials release response plan and inventory, and/or any other documents, permits,
15.12.110 Inspection procedures—Additional requirements.

A. During the inspection, the enforcement official shall comply with all reasonable security, safety, and sanitation measures. In addition, the enforcement official shall comply with reasonable precautionary measures specified by the owner and/or occupant or facility operator.

B. At the conclusion of the inspection, and prior to leaving the site, the enforcement official shall make every reasonable effort to review with the owner and/or occupant or the facility operator each of the violations noted by the enforcement official and any corrective actions that may be necessary. A report listing any violation found by the enforcement official during the inspection shall be kept on file by the enforcement agency. An inspection report shall be provided to the owner and/or occupant or facility operator, or left at the premises after being signed by a designated representative of the facility. If corrective action is required, then the occupant, facility owner, and/or facility operator shall implement corrective action plan based upon a written corrective action plan. The corrective action plan shall be submitted to the enforcement agency for review and approval and should state the corrective actions to be taken and the expected dates of completion. Failure to implement a corrective action plan constitutes a violation of this chapter.

C. All enforcement officials shall have adequate identification. Enforcement officials and other authorized personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.

D. With the consent of the property owner or occupant, or pursuant to a search warrant, the enforcement official is authorized to establish on any property that discharges directly or indirectly to the municipal stormwater conveyance system such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the enforcement official may take samples of materials, wastes, and/or effluent as deemed necessary to aid in the pursuit of the investigation or in the recordation of the activities onsite. (Ord. NS-880 § 1, 2008)

15.12.120 Containment, cleanup, and notification of spills.

Any person owning or occupying any premises who has knowledge of any release of materials, pollutants or waste which may result in pollutants or non-stormwater discharges entering any stormwater conveyance system shall immediately take all reasonable action to contain, minimize, and clean up such release. Such person shall notify the City of Carlsbad of the occurrence and any other appropriate federal, state or county agency of the occurrence as soon as possible, but no later than 24 hours from the time of the incident’s occurrence. (Ord. NS-880 § 1, 2008)

15.12.130 Testing, monitoring or mitigation requirements.

A. The enforcement official may require that any person engaged in any activity and/or owning or operating any facility which causes or contributes to stormwater pollution or contamination, illegal discharges, prohibited discharges and/or discharge of non-stormwater to the stormwater conveyance system perform monitoring, including physical and chemical monitoring and/or analyses and furnish reports as the enforcement official may specify if:

1. The person, or facility owner or operator, fails to eliminate illegal or prohibited discharges within a specified time after receiving a written notice to do so by the enforcement official;
2. The enforcement official has documented repeated violations of this chapter by the person or fac-
cility owner or operator which has caused or contributed to stormwater pollution.

It is unlawful for such person or facility owner or operator to fail or refuse to undertake and provide the monitoring, analyses, and/or reports specified. Specific monitoring criteria shall bear a relationship to the types of pollutants which may be generated by the person’s activities or the facility’s operations. If the enforcement agency has evidence that a pollutant is originating from a specific source or premises, then the enforcement agency may require monitoring for that pollutant regardless of whether said pollutant may be generated by routine activities or operations. The person or facility owner or operator shall be responsible for all costs of these activities, analyses and reports.

B. Any persons required to monitor pursuant to subsection A of this section, shall implement a stormwater monitoring program including, but not limited to, the following:
1. Routine visual monitoring for dry weather flows;
2. Routine visual monitoring for spills which may pollute stormwater runoff;
3. A monitoring log including monitoring date, potential pollution sources, as noted in paragraphs 1 and 2 of this subsection, and a description of the mitigation measures taken to eliminate any potential pollution sources;
4. All samples must be collected using approved procedures and guidelines as set forth by federal Environmental Protection Agency (EPA) approved protocols; and
5. The samples must be analyzed by a State of California certified laboratory qualified to undertake such analyses.

C. The enforcement official may require a person, or facility owner or operator, to install or implement stormwater pollution reduction or control measures, including, but not limited to, process modification to reduce the generation of pollutants if:
1. The person, or facility owner or operator fails to eliminate illegal or prohibited discharges after re-
ceiving a written notice from the enforcement official;
2. The person, or facility owner or operator, fails to implement a stormwater pollution prevention plan, as required by the enforcement official; or
3. The enforcement official has documented repeated violations of this chapter by any such person or facility owner or operator which has caused or contributed to stormwater pollution.

D. If testing, monitoring or mitigation required pursuant to this chapter are deemed no longer necessary by the enforcement official, then any or all of the requirements contained in subsections A, B, and C of this section may be discontinued.

E. A stormwater monitoring program prepared and implemented pursuant to any state-issued NPDES general permit shall be deemed to meet the requirements of a monitoring program for the purposes of this chapter. (Ord. NS-880 § 1, 2008)

15.12.140 Concealment.
Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter is unlawful and shall constitute a separate violation of this chapter. (Ord. NS-880 § 1, 2008)

15.12.150 Administrative code enforcement powers and procedures.
The enforcement agency and enforcement official can exercise any code enforcement powers and proce-
dures as provided in Title 1 of this code. In addition to the general enforcement powers and procedures pro-
vided in Title 1 of this code, the enforcement agency and enforcement official have the authority to utilize the following administrative remedies as may be necessary to enforce this chapter:
A. Cease and Desist Orders. When the enforcement official finds that a discharge has taken place or is likely to take place in violation of this chapter, the enforcement official may issue an order to cease and
desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying shall:

1. Comply with the applicable provisions and policies of this chapter;
2. Comply with a time schedule for compliance; and
3. Take appropriate remedial or preventive action to prevent the violation from recurring.

B. Notice to Clean, Test and/or Abate. Whenever the enforcement official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city’s stormwater conveyance system or a non-stormwater discharge to the city’s stormwater conveyance system, the enforcement official may issue orders and give written notice to remove same in any reasonable manner. The recipient of such notice shall undertake the activities as described in the notice.

C. Stop Work Orders. Whenever any work is being done contrary to the provisions of this chapter, the enforcement official may order the work stopped by notice in writing served on any person engaged in performing or causing such work to be done, and any such person shall immediately stop such work until authorized by the enforcement official to proceed with the work.

D. Permit or License Suspension, Denial or Revocation. Violations of this chapter may be grounds for permit or license suspension or revocation, including but not limited to building permits, right-of-way permits, grading permits and conditional use permits.

E. Civil Penalties. Any person who violates any of the provisions of this chapter, fails to prepare or implement a corrective action plan when requested by the enforcement official, fails to implement a stormwater monitoring plan, violates any cease and desist order or notice to clean and abate, or fails to adopt or implement a stormwater pollution prevention plan as directed by the enforcement official shall be liable for a civil penalty not to exceed $2,500.00 for each day such a violation exists. The responsible party shall be charged for the full costs of any investigation, inspection, or monitoring survey which led to the detection of any such violation, for abatement costs, and for the reasonable costs of preparing and bringing legal action under this subsection. In addition to any other applicable procedures, the enforcement agency may utilize the lien procedures listed in subsection F to enforce the responsible party’s liability. The responsible party may also be liable for compensatory damages for impairment, loss or destruction to water quality, wildlife, fish and aquatic life.

F. The enforcement official shall take all appropriate legal steps to collect these obligations, including referral to the city attorney for commencement of a civil action to recover said funds. If collected as a lien, the enforcement official shall cause a notice of lien to be filed with the county recorder, inform the county auditor and county recorder of the amount of the obligation, a description of the real property upon which the lien is to be recovered, and the name of the agency to which the obligation is to be paid. Upon payment in full, the enforcement official shall file a release of lien with the county recorder.

G. Environmental Code Enforcement Civil Penalties Fund. Civil penalties collected pursuant to this chapter shall be deposited in the environmental code enforcement civil penalties fund as established by the city manager for the enhancement of the city’s code enforcement efforts, environmental public outreach or education, environmental improvement grants, and/or to reimburse city departments for investigative costs and costs associated with the hearing process that are not paid by the responsible party. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the city manager. The city auditor shall establish accounting procedures to ensure proper account identification, credit and collection. (Ord. NS-880 § 1, 2008)

15.12.160 Administrative notice, hearing, and appeal procedures.
A. Unless otherwise provided herein, any notice required to be given by the enforcement official under this chapter shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the enforcement official. Where the address is un-
known, service may be made upon the owner of record of the property involved. Such notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service whether or not the registered or certified mail is accepted.

B. When the enforcement official determines that a violation of one or more provisions of this chapter exists or has occurred, any violator(s) or property owner(s) of record shall be served by the enforcement official with a written notice and order. The notice and order shall state the municipal code section violated, describe how violated, the location and date(s) of the violation(s), and describe the corrective action required. The notice and order shall require immediate corrective action by the violator(s) or property owner(s) and explain which method(s) of administrative enforcement are being utilized by the enforcement official: cease and desist order, notice to clean and abate, establishment of a stormwater pollution prevention plan, and/or establishment of an employee training program. The notice and order shall also explain the consequences of failure to comply, including that civil penalties shall begin to immediately accrue if compliance is not achieved within 10 days from the date the notice and order is issued. The notice and order shall identify all hearing rights. The enforcement official may propose any enforcement action reasonably necessary to abate the violation.

C. If the violation(s) is not corrected within 10 days from the date the notice and order is issued, the enforcement official shall request the city manager to appoint a hearing officer and fix a date, time, and place for hearing. The enforcement official shall give written notice thereof to the violator(s) or owner(s) of record, at least 10 days prior to the date for hearing.

1. The hearing officer shall consider any written or oral evidence presented to determine whether the violation(s) exists, a corrective action plan should be required, a cease and desist order should be required, a notice to clean and abate should be required, a stormwater pollution prevention plan should be required, an employee training program should be required, and/or civil penalties should be imposed, consistent with rules and procedures for the conduct of hearings and rendering of decisions established and promulgated by the city manager.

2. In determining whether action should be taken or the amount of a civil penalty to be imposed, the hearing officer may consider any of the following factors:
   a. Duration of the violation(s).
   b. Frequency or recurrence.
   c. Seriousness.
   d. History.
   e. Violator's conduct after notice and order.
   f. Good faith effort to comply.
   g. Economic impact of the penalty on the violator(s).
   h. Impact of the violation on the community.
   i. Any other factor which justice may require.

3. If the violator(s) or owner(s) of record fail to attend the hearing, it shall constitute a waiver of the right to a hearing and adjudication of all or any portion of the notice and order.

4. The hearing officer shall render a written decision within 10 days of the close of the hearing, including findings of fact and conclusions of law, identifying the time frame involved and the factors considered in assessing civil penalties, if any. The decision shall be effective immediately unless otherwise stated in the decision. The hearing officer shall cause the decision to be served on the enforcement official and all participating violators or owners of record.

5. If the persons assessed civil penalties fail to pay them within the time specified in the hearing officer’s decision, the unpaid amount constitutes either a personal obligation of the person assessed or a lien upon the real property on which the violation occurred, in the discretion of the enforcement official. If the violation(s) is not corrected as directed the civil penalty continues to accrue on
a daily basis. Civil penalties may not exceed $100,000.00 in the aggregate. When the violation is subsequently corrected, the enforcement official shall notify the violator(s) and/or owner(s) of record of the outstanding civil penalties and provide an opportunity for hearing if the amount(s) is disputed within 10 days from such notice.

6. The enforcement official shall take all appropriate legal steps to collect these obligations, including referral to the city attorney for commencement of a civil action to recover said funds. If collected as a lien, the enforcement official shall cause a notice of lien to be filed with the county recorder, inform the county auditor and county recorder of the amount of the obligation, a description of the real property upon which the lien is to be recovered, and the name of the agency to which the obligation is to be paid. Upon payment in full, the enforcement official shall file a release of lien with the county recorder. (Ord. NS-880 § 1, 2008)

15.12.170 Judicial enforcement.
A. Criminal Penalties. Any person who violates any provision of this chapter or who fails to implement a stormwater monitoring plan, violates any cease and desist order or notice to clean and abate, or fails to adopt or implement stormwater pollution prevention plans or employee training programs as directed by the enforcement official shall be punished, upon conviction, by a fine not to exceed $1,000.00 for each day in which such violation occurs, or imprisonment in the San Diego County jail for a period not to exceed six months, or both.

B. Injunction/Abatement of Public Nuisance. Whenever a discharge into the stormwater conveyance system is in violation of the provisions of this chapter or otherwise threatens to cause a condition of contamination, pollution, or nuisance, the enforcement official may also cause the city to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, or both, or an action to abate a public nuisance, as may be appropriate in restraining the continuance of such discharge.

C. Other Civil Action. Whenever a notice and order, notice of determination, hearing officer’s decision or city council’s decision is not complied with, the city attorney may, at the request of the enforcement official, initiate any appropriate civil action in a court of competent jurisdiction to enforce such notice and order and decision, including the recovery of any unpaid storm drain fees and/or civil penalties provided herein. (Ord. NS-880 § 1, 2008)

15.12.180 Violations deemed a public nuisance.
In addition to the other civil and criminal penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety, and welfare and is declared and deemed a public nuisance, which may be summarily abated and/or restored as directed by the enforcement official in accordance with the procedures identified in Chapter 6.16. A civil action to abate, enjoin or otherwise compel the cessation of such nuisance may also be taken by the city, if necessary.

The full cost of such abatement and restoration shall be borne by the owner of the property and shall be a lien upon and against the property in accordance with the procedures set forth in Section 15.12.150(F). (Ord. NS-880 § 1, 2008)

15.12.190 Remedies not exclusive.
Remedies set forth in this chapter are not exclusive but are cumulative to all other civil and criminal penalties provided by law, including, but not limited to, penalty provisions of the Federal Clean Water Act and/or the state Porter-Cologne Water Quality Control Act. The Porter-Cologne Water Quality Control Act is California Water Code Section 13000 et seq., and any future amendments. The seeking of such federal and/or state remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter. (Ord. NS-880 § 1, 2008)
Chapter 15.16

GRADING AND EROSION CONTROL

Sections:
15.16.010 Title.
15.16.020 Purpose.
15.16.030 City engineer authority.
15.16.040 Definitions.
15.16.050 Grading permit required.
15.16.060 Work exempt from grading permit.
15.16.062 Minor grading.
15.16.065 Application for grading plan.
15.16.067 Information on grading plans, specifications and engineering reports.
15.16.070 Application for grading permit.
15.16.080 Grading permit submittal documents.
15.16.085 Construction stormwater pollution prevention plan (SWPPP).
15.16.100 Withdrawal of grading permit applications.
15.16.110 Grading permit issuance.
15.16.120 Grading permit limitations, requirements and procedures.
15.16.130 Responsibility of permittee.
15.16.140 Grading and erosion control agreement and securities.
15.16.150 Agreement for uncontrolled stockpile.
15.16.160 Appeals.
15.16.170 Unlawful acts.
15.16.180 Investigation fee.
15.16.190 Enforcement measures—Remedies.

15.16.010 Title.
This chapter shall be known as the “Grading Ordinance.” (Ord. NS-385 § 4, 1996)

15.16.020 Purpose.
The purpose of this chapter is to establish minimum requirements for grading, including clearing and grubbing of vegetation, to provide for the issuance of ministerial permits and to provide for the enforcement of the requirements. These provisions are supplementary and additional to Title 20, Subdivisions, and Title 21, Zoning, of this code and shall be read and construed as an integral part of these titles and the land development patterns and controls established thereby. It is the intent of the city council to protect life and property and promote the general welfare; enhance and improve the physical environment of the community; and preserve, subject to economic feasibility, the natural scenic character of the city. The provisions of this chapter shall be administered to achieve the intent expressed above and, to the maximum extent feasible, the following goals:

A. Facilitate the planning, design and construction of development sites to maximize safety and human enjoyment while protecting, insofar as possible, the surrounding natural environment;
B. Ensure compatibility of graded land development sites with surrounding land forms and land uses;
C. Prevent unnecessary and unauthorized grading, including clearing and grubbing of vegetation, on property within Carlsbad;
D. Preserve natural plant communities and existing mature trees;
E. Preserve significant cultural and archaeological sites;
F. Promote the rapid restoration of graded slopes with fire resistant, drought tolerant landscaping that is aesthetically pleasing and which enhances adjacent habitat values; and

G. Protect public and private property, stormwater conveyance systems, downstream riparian habitats, waterways, wetlands, and lagoons by controlling soil erosion, sedimentation and other potential adverse impacts caused by grading operations or which result as a consequence of the increased rate of surface water runoff from graded sites. (Ord. NS-623 § 1, 2002; Ord. NS-385 § 4, 1996)

15.16.030 City engineer authority.
This chapter shall be administered by the city engineer who shall have the authority and responsibility to:

A. Establish the form and procedures for application for grading permits required pursuant to this chapter including the certification of completed applications, the approval of grading plans, construction SWPPPs, the establishment of files, the processing of secured grading and erosion control agreements and the collection of fees and security deposits;

B. Interpret the provisions of this chapter and advise the public regarding requirements for grading plans, construction SWPPPs, specifications and special provisions;

C. Establish the format and content of grading plans, SWMPs, SWPPPs, specifications and special provisions pursuant to the provisions of this chapter;

D. Establish and promulgate city standards to govern grading and stormwater standards in accordance with good engineering practice pursuant to the provisions of this chapter;

E. Issue permits and approve amendments, including extensions, to permits found to conform with this chapter and applicable city standards and the landscape manual;

F. Issue and maintain permanent records of determinations of exemption authorized by Section 15.16.060;

G. Approve grading and erosion control agreements;

H. Accept surety bonds and other forms of security in connection with grading and erosion control agreements;

I. Monitor compliance of all grading work with city codes, city standards and any limitations of the grading permit;

J. Record notices of grading violation and/or take other administrative actions against violators of the provisions of this chapter; and

K. Grant authority to appropriate members of the city engineer’s staff to act on behalf of the city engineer with regard to any aspect of the administration of the provisions of this chapter. (Ord. CS-151 § 2, 2011; Ord. NS-881 § 1, 2008; Ord. NS-385 § 4, 1996)

15.16.040 Definitions.
Whenever the following words, terms or phrases are used in this chapter they shall be construed as defined in the following subsections unless from the context in which the word, term, or phrase is used a different meaning is specifically defined or intended.

“Civil engineer” means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.

“Clearing and grubbing of vegetation” means the removal of any and all types of vegetation, roots, stumps or other plant material and the clearing or breaking up of the surface of the land by digging or other means.

“Default” means the condition or situation which results when an applicant fails to perform in compliance with the terms and requirements of the grading and erosion control agreement required pursuant to Section 15.16.140 of this chapter.
“Engineer-of-work” means the civil engineer responsible for the preparation of the grading and/or construction plans, for the certification of the completed work and preparation of the record plans.

“Excavation” means the cutting, digging, removal, displacement or any other movement of soil, sand, gravel, rock or other similar material from its natural or preexisting location upon or beneath the surface of the earth by the direct action of humans and/or human invention.

“Fill” means the depositing of soil, sand, gravel, rock, or other similar materials upon or beneath the surface of the earth by the direct action of humans and/or human invention.

“Finished grade” means the vertical location of the ground surface upon completion of any excavation or fill.

“Geologist” means a person holding a valid certificate of registration as a geologist in the specialty of engineering geology issued by the State of California under provisions of the Geologist Act of the Business and Professions Code.

“Grading” means any excavation, fill, clearing and grubbing of vegetation or any combination thereof.

“Grading permit” means the document issued by the city engineer pursuant to Section 15.16.110, after having determined that the application demonstrates compliance with this chapter, city standards, the landscape manual, and all applicable portions of Titles 15, 19, 20 and 21 of this code.

“Minor grading” means activities described by Section 15.16.062, whereby the city engineer may modify certain provisions of Sections 15.16.067, 15.16.070 and 15.16.080.

“Site” is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is proposed or performed.

“Geologist” means a person holding a valid certificate of registration as an engineer in the specialty of soils engineering issued by the State of California under the provisions of the Business and Professions Code.

“Uncontrolled stockpile” means any fill placed on land for which no soil testing was performed or no compaction reports or other soil reports were prepared or submitted.

In addition to the above defined words, terms and phrases, the definition of words, terms and phrases, as described in Chapter 15.04, shall apply to this chapter. (Ord. CS-151 § 3, 2011; Ord. NS-881 § 2, 2008; Ord. NS-623 §§ 2, 9, 10, 2002; Ord. NS-385 § 4, 1996)

15.16.050 Grading permit required.

Except as provided in Section 15.16.060, no person shall do, or cause to be done, any grading, including clearing and grubbing of vegetation, without first having obtained a grading permit. (Ord. NS-385 § 4, 1996)

15.16.060 Work exempt from grading permit.

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

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

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

1. Grading on a site where the city engineer finds that the following conditions exist:
   a. The amount of soil material moved does not exceed 200 cubic yards;
   b. No fill material is placed on an existing slope steeper than five units horizontal to one vertical;
   c. No cut or fill material exceeds four feet in vertical depth at its deepest point, measured from the existing ground surface.

2. Grading in an isolated, self-contained area.

C. All grading work, including any grading work exempted from the requirement of a grading permit as determined pursuant to subsection A of this section, shall comply with city standards and Titles 15, 19, 20 and 21 of this code, and within the coastal zone, shall also be consistent with all certified local coastal program provisions. (Ord. CS-151 § 3, 2011; Ord. NS-881 § 3, 2008; Ord. NS-623 §§ 3—6, 2002; Ord. NS-385 § 4, 1996)

15.16.062 Minor grading.

A. Work meeting the following criteria may qualify as minor grading, as approved by the city engineer:
   1. The total earthwork volume (the larger of excavation or embankment, plus remedial) is less than 1,000 cubic yards;
   2. The grading work is proposed in connection with a building permit application.

B. For minor grading, the city engineer may modify the requirements of Sections 15.16.067, 15.16.070 and 15.16.080. Subject to a case-by-case determination, permissible modifications may include:
   1. Use of topography from city or other sources, or an assumed elevation datum;
   2. Preparation by a licensed architect or other qualified individual;
   3. Inclusion of the minor grading plan as a sheet in the building plans;
   4. Use of available, historical geotechnical data, with appropriate certifications by a geotechnical engineer.

C. The grading plan review fee for plans showing minor grading per this section shall be 50% of the grading plan review fee calculated per the current fee schedule. A grading permit is required for minor grading. (Ord. CS-151 § 5, 2011)

15.16.065 Application for grading plan.

A. A separate application for a grading plan shall be made in advance of submittal for a grading permit.

B. Unless otherwise approved by the city engineer, each application for a grading plan review shall include a complete grading plan review application form, grading plans, specifications, engineering calculations, a soils investigation, a geotechnical report and other such documentation and information as may be necessary to demonstrate that the grading work will be carried out in substantial compliance with all city codes, city standards and the requirements of the landscape manual. Each grading plan review application shall be accompanied by a SWMP and SWPPP prepared in accordance with city standards.

C. The city engineer may waive submission of a geotechnical report or other required documents if the applicant clearly demonstrates that the nature of the grading work applied for is such that reviewing of such report or other documents is not necessary to obtain compliance with this code.

D. A grading plan review fee shall be charged by the city for the processing of the grading plan review. The fee shall be established by resolution of the city council and is for the purpose of defraying the cost of processing the grading plan review. The grading plan review fee is in addition to any other plan re-
view, inspection and permit issuance fees charged for the issuance of a grading permit or processing improvement plans and building plans or the issuance of permits thereto. An additional grading plan review fee of 25% of the current plan review fee may be charged for grading plan applications for which the city approval is not granted within 24 months following the original date of application.

E. Grading plan applications for which city approval is not granted within three years following the date of application shall be deemed withdrawn, provided the improvement plans are not associated with a tentative map, tentative parcel map, vesting tentative map, or vesting tentative parcel map, in which case the grading plan application shall be deemed withdrawn on the date of the expiration of the associated tentative map. The grading plans and other documents submitted for review may thereafter be returned to the applicant or destroyed by the city engineer. In order to renew action on an application after withdrawal, the applicant shall resubmit a new application and pay a new grading plan review application fee.

F. The city engineer may authorize refunding of not more than 80% of the grading plan review fee paid when an application for a grading plan is withdrawn (1) in accordance with this section; or (2) upon written application filed by the original permittee not later than 60 days after withdrawal of the grading plan application by the applicant, when withdrawn prior to completion of the grading plan review.

G. Any application in process on the effective date of this code amendment shall be subject to the provisions of this section. The filing date for such application shall be considered to be the effective date of the code amendment. (Ord. CS-151 § 6, 2011; Ord. CS-135 § 2, 2011; Ord. 881 § 4, 2008)

15.16.067 Information on grading plans, specifications and engineering reports.
All grading plans, specifications and engineering reports required for grading permit submittal shall be prepared in accordance with the following requirements:

A. Grading plans, specifications, engineering calculations and other relevant engineering data shall be prepared by a civil engineer. The grading plans shall be drawn to scale in accordance with city standards and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter, city standards, the landscape manual and Titles 15, 19, 20 and 21 of this code. All grading plans must include provisions for implementation and maintenance of all stormwater pollution prevention measures identified in the construction SWPPP prepared for the project, pursuant to Title 15 and city standards.

B. Geotechnical investigation reports shall be based upon the proposed grading plan. The geotechnical investigation report shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed development. Recommendations included in the report shall be consistent with the provisions of this chapter and city standards and shall be incorporated into the grading plans and/or specifications.

C. Preliminary soils investigations and report(s) shall be based upon the proposed grading plan. Such report(s) shall include data regarding the nature, distribution and strength of existing soil types at the proposed grading site, recommendations for grading procedures and design criteria for corrective measures, if required by the soils engineer. Recommendations included in the report and approved by the city engineer shall be incorporated into the grading plans and/or specifications.

D. SWMPs shall be prepared if the project is subject to priority development project requirements per the SUSMP. SWMPs shall demonstrate how the project satisfies SUSMP requirements and shall recommend all required TCBMPs, which shall be incorporated into the grading plans. (Ord. CS-151 § 7, 2011; Ord. 881 § 5, 2008)

15.16.070 Application for grading permit.
A. To obtain a grading permit, the applicant shall first file an application therefor in writing on a form furnished by the city engineer for that purpose. Every such application shall:
1. Identify and describe the work to be covered by the grading permit for which the application is made;
2. Describe the land on which the proposed work is to be done by legal description, street address, and/or similar description that will readily identify and definitely locate the proposed grading work;
3. State the quantity of excavation and fill for the proposed grading work including the amount of excavation or fill to be imported to or exported from the grading site;
4. State the name, address, telephone number and State of California certification number of the engineer-of-work, soils engineer and geotechnical engineer who prepared the grading plan, soils report and geotechnical report for the proposed grading work;
5. State the name, address, telephone number, state contractor’s license number and Carlsbad business license number for the contractor who will perform the grading work;
6. State the name, address and telephone number of the property owner upon whose property the work will be done and the applicant requesting the grading permit;
7. Be signed by the applicant and property owner or their authorized agent(s); and
8. Give other such information as may be required by the city engineer.

B. Each grading permit application shall be accompanied by:

1. Grading plans, specifications, calculations, reports and other data as required in Section 15.16.080;
2. Proof of all other applicable discretionary approvals, including a site plan approved in accordance with such prior discretionary approvals, if any, pursuant to Title 20 or 21, except where:
a. The grading work is necessary to complete a major arterial roadway or other major public facility, will significantly reduce the need to haul fill material over public roads, or is incidental to the grading for another project which has obtained all appropriate development approvals in accordance with Titles 20 and 21 of this code, or
b. The grading work is found by the city planner to be reasonably consistent with the future development of the site pursuant to the site’s existing general plan land use classification;
3. A completed environmental impact assessment form or submittal of other environmental documentation which demonstrates compliance with the California Environmental Quality Act (CEQA) and Title 19 of this code;
4. All appropriate documentation evidencing the applicant’s right to enter upon and grade property not within the ownership of the person signing the grading permit application form;
5. A grading permit application fee in an amount as established by the city council by resolution. A separate plan review and/or inspection fee shall apply to retaining walls, SWMP, SWPPP or major drainage structures as provided for elsewhere in this code. There shall be no separate charge for standard terraced drains and similar facilities. If during the grading plan review the grading or other quantities, upon which the grading plan review fee is based, are changed, the applicant shall pay any balance of fees required. (Ord. CS-164 § 10, 2011; Ord. CS-151 § 8, 2011; Ord. NS-881 § 6, 2008; Ord. NS-385 § 4, 1996)

15.16.080 Grading permit submittal documents.
A. Each application submittal for a grading permit shall be accompanied by city approved grading plans, SWMP, SWPPP and other such documentation and information as may be necessary to demonstrate that the grading work will be carried out in substantial compliance with all city codes, city standards and the requirements of the landscape manual.

B. The number of copies and format of the submittal documents required pursuant to this chapter shall be as prescribed by the city engineer.
C. All documents shall, upon submittal to the city engineer, become the property of the city and shall be kept on file with the city engineer. (Ord. CS-151 § 9, 2011; Ord. NS-881 § 7, 2008; Ord. NS-385 § 4, 1996)

15.16.085 Construction stormwater pollution prevention plan (SWPPP).
A. Each grading permit issued shall be accompanied by a SWPPP prepared in accordance with city standards and approved by the city engineer.
B. The city engineer may also require preparation of a SWPPP, prepared in accordance with city standards, for any person conducting development or other construction activity, including grading activities which are exempt from a grading permit, in order to reduce the risk of contamination of stormwater and the discharge of non-stormwater pollutants to the city’s stormwater conveyance system.
C. Construction activities that have no potential to add pollutants to stormwater or non-stormwater runoff may be exempt from the preparation of a SWPPP, pursuant to the SWPPP exemption requirements of city standards, the general construction permit and the municipal permit. Any construction activity exempted from the preparation of a SWPPP must still comply with the stormwater pollution prevention requirements of city standards at all times during construction.
D. Each construction SWPPP shall be prepared in a form and include the content as specified in city standards and shall be made to comply with all other applicable NPDES permit requirements.
E. Construction SWPPP review and inspection fees shall be charged by the city for the processing of the plan review and field inspection of the construction work. The fee shall be established by resolution of the city council and is for the purpose of defraying the cost of processing the plan review and ensuring compliance with the construction SWPPP during construction. The construction SWPPP review and inspection fees are in addition to any other plan review, inspection and permit issuance fees charged for processing grading plans, improvement plans and building plans or the issuance of permits thereto.
F. The processing time limits, application withdrawal and refund provisions of Section 15.16.082, subsections C and D, shall be applicable to the processing of an application for a construction SWPPP. (Ord. CS-151 § 10, 2011; Ord. NS-881 § 8, 2008)

15.16.100 Withdrawal of grading permit applications.
A. Applications for which no grading permit is issued within three years following the date of application shall be deemed withdrawn. Plans and other documents submitted for review may thereafter be returned to the applicant or destroyed by the city engineer. In order to renew action on an application after withdrawal, the applicant shall resubmit a new application and pay a new grading permit application fee.
B. The city engineer may authorize refunding of the grading permit application fee paid when an application for a grading permit is withdrawn (1) in accordance with this section; or (2) upon written application filed by the original permittee not later than 60 days after withdrawal of the grading permit application by the applicant.
C. Any application in process on the effective date of this code amendment shall be subject to the provisions of this section. The filing date for such application shall be considered to be the effective date of the code amendment. (Ord. CS-124 § 3, 2011; Ord. NS-881 § 9, 2008; Ord. NS-385 § 4, 1996)

15.16.110 Grading permit issuance.
A. Following submittal of a completed grading permit application and completion of the following requirements, the city engineer shall issue a grading permit:
   1. Approval and signature of the grading plans by the city engineer;
   2. Payment of the grading permit application fee required pursuant to Section 15.16.070(B)(6);
3. Submittal of a fully executed grading and erosion control agreement together with the required cash and/or other securities;
4. Approval of a SWMP prepared in accordance with the SUSMP;
5. Approval of a SWPPP prepared in accordance with this chapter and city standards;
6. Submittal of proof of valid Coastal Development Permit, Stream Alteration Permit, Army Corps Permit, National Pollutant Discharge Elimination System Permit or other permits, if any, required by other departments or agencies with competent authority; and
7. Completion of all environmental documentation in accordance with Chapter 19.04 of this code.

B. The issuance or granting of a grading permit or approval of grading plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or any other chapter of this code. Permits presuming to give authority to violate or cancel the provisions of this chapter or any other chapter of this code shall not be valid.

C. The issuance of a grading permit based on approved grading plans, construction SWPPP, specifications and other data shall not prevent the city engineer from thereafter requiring correction of errors in said plans, specifications and other data, or from preventing grading operations being carried on thereafter when in violation of this chapter or any other chapter of this code. (Ord. CS-151 § 11, 2011; Ord. NS-881 § 10, 2008; Ord. NS-385 § 4, 1996)

15.16.120 Grading permit limitations, requirements and procedures.
All grading permits shall be subject to the following limitations, requirements and procedures:

A. Scope of Work—Amendments. Issuance of a grading permit shall constitute authorization to do only that work which is described on the application for the permit and detailed on the grading plans and specifications approved by the city engineer in accordance with the provisions of this chapter. No approved grading plans or specifications may be modified without approval by the city engineer of a revised grading plan. Application for the revision of a grading plan shall be submitted to the city engineer on the prescribed form, accompanied by a grading plan revision fee in the amount set forward in the fee schedule approved by city council resolution. Modifications which substantially affect the basic tract design or land use as described on any prior discretionary approvals, issued pursuant to Titles 20 and 21 of this code, must have the approval of the appropriate approving authority.

B. Jurisdictions of Other Agencies. Permits issued under the provisions of this chapter shall not relieve the owner of the responsibility for securing permits or licenses that may be required from other departments or divisions of all governing agencies.

C. Time Limits—Extensions. The permittee shall fully perform and complete all of the work required to be done pursuant to the grading permit within the time limit specified therein or, if no time is so specified, within one year after the date of issuance of the permit. The specified time limit may be extended by action of the city engineer upon written request of the permittee, owner or surety showing that good and sufficient cause has prevented the permittee from completing the grading work within the allotted time limit. All such extension requests shall be accompanied by an extension fee in an amount as established by city council resolution.

D. Time of Grading Operations. For permitted hours of operation and signage requirements, refer to Chapter 8.48.

E. Noise Limitations. The noise limitation provisions of Chapter 8.48 of this code shall be observed.

F. Hauling Operations. All hauling operations to or from the grading site shall be conducted in accordance with city code, over the route and in accordance with the procedures prescribed by the city engineer in the grading permit.

G. Storm Damage Precautions. All grading operations shall install protective measures to prevent unnecessary erosion and sedimentation as follows:
1. All grading permits issued during the rainy season or within 30 days of the start of the rainy sea-son shall require the installation of erosion and sedimentation control protective measures in ad-\n\n2. All grading permits issued earlier than 30 days prior to the start of the rainy season shall require \nthe installation of all erosion and sedimentation control protective measures within 30 days prior \nto the start of the rainy season in accordance with city standards; \n\n3. All erosion and sedimentation control protective measures shall be maintained in good working \norder throughout the duration of the grading operation unless it can be demonstrated to the city \nengineer that their removal at an earlier date will not result in any unnecessary erosion of or \nsedimentation on public or private properties; and \n\n4. All slopes required to be landscaped and irrigated shall be landscaped and irrigated within the \ntime limits as specified in the landscape manual. All other erosion and sedimentation control pro-\ntective measures shall be installed as quickly as practicable. \n
H. Inspection and Testing. The applicant shall ensure that the work is inspected and tested as follows: \n\n1. Inspection and testing of the grading work by a soils or civil engineer to ensure proper compac-\ntion of fill materials, stability of the cut and fill slopes and general compliance of the grading work \nwith the recommendations of the preliminary soils report, city standards, permit conditions and \nthe provisions of this chapter. \n\n2. Inspection and survey of the grading work by a civil engineer to ensure that all building pads, \nstreet grades and drainage facilities have been constructed in general conformance with the loca-\ntions and elevations as shown on the approved grading plans. \n\n3. Where unusual or hazardous geotechnical conditions exist upon or beneath the grading site, a \ngeologist shall inspect all or any portion of the grading work to assure that all geologic and geo-\ntechnical conditions have been adequately addressed and that any recommended corrective \nmeasures are incorporated into the work. \n
I. Partial Releases. The city engineer may authorize the partial release of a portion of the grading work to \nallow construction of a structure pursuant to a building permit issued in accordance with this code and \nin accordance with the following requirements: \n\n1. Prior to the issuance of such building permit for any given lot or lots, the engineer-of-work, or an-\nother civil engineer as may be approved by the city engineer, shall provide the city engineer with \na written statement certifying that, in their professional opinion, all grading for the proposed build-\ning pad was completed within the tolerances allowed pursuant to city standards and that all em-\nbankments, cut slopes and pad elevations are constructed as shown on the approved plans. \n\n2. The soils or civil engineer shall provide the city engineer with a written statement certifying that, in \nhis or her professional opinion, all embankments beneath the proposed building pad site have \nbeen constructed in accordance with city standards and the recommendations of the preliminary \nsounds report. \n\n3. The city engineer may also require compliance with any other requirement or condition as may be \ndeemed necessary to ensure the health, safety and welfare of the public prior to release of the \nsite for the purpose of issuing a building permit. \n
J. Final Reports. Upon completion of the grading work the permittee shall ensure that the following re-\nports and documents are submitted to the city engineer: \n\n1. A written statement signed by the engineer-of-work, or another civil engineer as may be approved \nby the city engineer, which shall state that, in his or her professional opinion, all grading work and \ndrainage facilities have been completed in substantial conformance with the grading permit. The \napproved grading plan on file with the city shall be amended by the engineer-of-work, or another \ncivil engineer as may be approved by the city engineer, to show the as-built elevations for all
pads, streets and drainage facilities together with any other field modifications or changes made to the original approved plans.

2. A report by a soils or civil engineer which shall include recommended soil bearing capacities for the project site, a statement as to the expansive qualities of the soil, and summaries of field and laboratory tests. The locations of such tests and the limits of the compacted fill shall be shown on a final plan, prepared by the soils or civil engineer and submitted to the city engineer with the final soils report, which shall also show by plan and cross-section the location of any rock disposal areas, sub-drains and/or buttress fills if such were involved in the grading. The final soils report shall contain a written statement that all soils inspections and tests were made by, or under the supervision of, the soils or civil engineer and that in the professional opinion of the soils or civil engineer, all embankments have been constructed and compacted to city standards and in accordance with the earthwork specification of the preliminary soils report.

3. A report and an as-graded geologic map of the site prepared by the geologist which shall include specific approval of the grading as affected by geological factors. Where necessary, such report shall include geologic cross-sections and recommendations regarding the location of buildings, sewage disposal systems or any other special requirements.

4. TCBMP installation certification.

K. Notification of Noncompliance. If, in the course of fulfilling their responsibility under this chapter, the engineer-of-work, soils engineer or geologist finds that the work is not being done in conformance with the grading permit, this chapter or the approved plans and specifications or with accepted engineering practices, they shall immediately notify the permittee and the city engineer, in writing, of the nonconformity and of the recommended corrective measures to be taken. (Ord. CS-211 § 3, 2013; Ord. CS-151 § 12, 2011; Ord. CS-135 § 4, 2011; Ord. NS-623 § 8, 2002; Ord. NS-385 § 4, 1996)

15.16.130 Responsibility of permittee.

A. The permittee shall be responsible for the following:

1. Completion of all work in compliance with the approved grading permit, plans and specifications, city standards, the landscape manual and the requirements of this code;

2. Protection of public and/or franchise facilities, utilities or services from damage caused by the grading operation;

3. Protection of adjacent public or private properties from damage caused by the grading operation;

4. Preservation of adjacent and on site environmental resources, which are outside of the scope of work, from the impacts of the grading operation;

5. Installation and maintenance of drainage and erosion control measures to protect downstream properties and habitats from flooding, sedimentation and other adverse impacts caused by the grading operation or the increase in surface water runoff resulting from the grading operation; and

6. Inspection and testing of the grading work to ensure conformance with the plans and specifications, the recommendations of the soils and geotechnical engineers, city standards, the landscape manual and the provisions of this chapter.

B. The responsibilities described in this section shall also apply to the permittee’s authorized agents, contractors or employees; however, any such application shall not in any way relieve or absolve the permittee from the responsibility to grade or to conduct the grading operation consistent with this section or this chapter. The permittee shall have ultimate responsibility over the actions and conduct of any and all authorized agents, contractors and employees with regard to the performance of the permitted work and compliance with this section. (Ord. NS-385 § 4, 1996)
15.16.140  Grading and erosion control agreement and securities.
A. Secured Agreement Required. Prior to issuance of a grading permit, the permittee shall enter into a secured grading and erosion control agreement with the city to guarantee performance of the grading work in compliance with the grading permit.

B. Form of Secured Agreement. The grading and erosion control agreement shall be in a form as prescribed by the city attorney which shall include, but not be limited to, the following:
   1. Incorporation of the grading permit and the approved plans and specifications, including construction SWPPP, as part of the agreement;
   2. Agreement by the permittee to comply with all the terms and conditions of the grading permit including the grading permit time limits;
   3. Agreement by the permittee to comply with all provisions of this chapter and other applicable laws and ordinances;
   4. A cost estimate prepared by a civil engineer which provides for the construction of all earthwork, drainage facilities, retaining walls, TCBMPs, construction BMPs including the cost of maintenance during the period of time the permit is active, geotechnical mitigation measures, landscaping, irrigation and any other items needed to complete the grading work;
   5. Agreement to indemnify and hold the city harmless against any and all claims arising from the performance of the grading work; and
   6. Agreement by the permittee to maintain all safety and stormwater best management practices until the grading work is complete and stabilized against erosion in accordance with city standards.

C. Security Types. The grading and erosion control agreement shall be secured using one or more of the security types listed in Section 20.16.070.

D. Security Requirements. Security offered to guarantee performance in connection with the grading and erosion control agreement shall meet the following requirements:
   1. The amount of the security shall be sufficient to guarantee performance of all grading work described on the approved grading plans, construction SWPPP and specifications as estimated in subsection (B)(4);
   2. Surety bonds shall be valid upon the date of filing with the city and shall remain valid until the work has been completed to the satisfaction of the city engineer. Any extension of the time specified in the permit shall not be cause for release of a surety bond;
   3. The surety company which issues a surety bond shall meet or exceed the minimum qualifications established by the city council by resolution;
   4. The city engineer may require that up to 10% of the engineer’s estimated cost for the grading work be submitted in the form of a cash deposit, provided however, that no such cash deposit shall be less than $1,500.00. The cash deposit may be utilized by the city to cure any default in regard to the performance of work covered by the grading and erosion control agreement including but not limited to cleaning, repair and rehabilitation of public or private facilities that are damaged by sedimentation, erosion or construction activities and to insure that adequate safeguards for the prevention of erosion and sedimentation are in place when needed;
   5. The city engineer may allow a single security to cover work under multiple grading permits when the work covered is either part of a progressive construction of a single project or when several concurrent projects are being constructed by one permittee. In such cases, the grading and erosion control agreement shall include reference to the multiple permit requirements or a grading and erosion control agreement shall be submitted for each separate permit; and
   6. The city engineer may permit substitution of the required security either in kind or of any other type allowed for in Section 20.16.070; provided, however, that the substitute security is adequate to insure completion of the remaining work to be performed and the security is found to be of
The original security may be released upon acceptance of the new security and upon determination that all conditions of the permit are being complied with and there is no default as to the performance of the work up to the date of acceptance of the new security.

E. Secured Agreement Waivers. The city engineer may waive the requirement for a secured agreement or may waive all or any portion of the security amount if the applicant clearly demonstrates to the city engineer that the proposed grading work will not adversely affect or will have minimal impact upon public or private property and upon the health, safety and welfare of the public. In no such case, shall the city engineer reduce the security amount below the amount needed to ensure public safety and to secure the site with stormwater best management practices.

F. Reduction of Security. The city engineer may reduce the amount of the security commensurate with the value of the grading work which has been completed. In no case shall the security be reduced below the amount necessary to ensure public health, safety and welfare.

G. Release of Security. The city engineer shall release the security held by the city to secure the grading work upon completion of the work in substantial compliance with the terms and conditions of the permit and the provisions of this chapter.

H. Default Procedures. Whenever the permittee fails to perform in compliance with the terms and requirements of the grading and erosion control agreement, the city engineer may, in addition to any other administrative and judicial remedies allowed pursuant to this chapter, make a demand upon the cash, letter of credit, surety bond or other collateral held as security for the grading and erosion control agreement in accordance with the following procedures:

1. Notice of Default. The city engineer shall send a written notice of default by certified mail to the permittee which specifies the permit number and identifies the location, nature and extent of the activity or condition which contributed to the default. The notice of default shall specify the work to be done to cure the default, the estimated cost of such work and the period of time deemed by the city engineer to be reasonably necessary for the completion of such work. A copy of the notice of default shall be mailed to the owner of the grading site and to the surety company, bank or institution which provided the security for the grading and erosion control agreement.

2. Emergency Corrective Actions. In the event the work needed to cure the default is not completed by the permittee, surety company or financial institution within the period of time specified on the notice of default, the city engineer may thereupon enter the property for the purpose of performing, by city forces or by other means, the necessary corrective or curative work. The cost for such corrective work shall be paid for by the permittee, surety company or financial institution as provided for in this section.

3. Surety Bond, Letter of Credit or Instrument of Credit. Upon receipt of the notice of default, the surety company or financial institution shall, within the time specified, cause or require the work needed to cure the default to be performed, or failing therein, shall pay over to the city the estimated cost of doing the work as set forth in the notice of default.

4. Cash Deposit. Upon expiration of the time period specified in the notice of default, the city engineer may withdraw all or any portion of the cash deposit to reimburse the city for completing or having a third party complete the work needed to cure the default as specified in the notice of default. Upon utilizing the cash deposit, the city engineer shall notify the applicant in writing of the amount utilized and the purpose for which the deposit was used. (Ord. CS-151 § 13, 2011; Ord. CS-135 § 5, 2011; Ord. NS-881 § 11, 2008; Ord. NS-385 § 4, 1996)

15.16.150 Agreement for uncontrolled stockpile.

A. Applications for grading permits involving uncontrolled stockpiles shall be accompanied by an agreement signed by the property owner.
B. The agreement shall be in a form as prescribed by the city attorney which shall include, but not be limited to, the following:

1. Owner acknowledgment that the grading or fill material is designated as an uncontrolled stockpile;
2. Owner acknowledgment that the site is not eligible for a building permit unless special soils analysis and foundation design are submitted and approved by the city engineer or, the site is subsequently graded pursuant to a valid grading permit issued in accordance with the provisions of this chapter;
3. Agreement by the owner that the grading or stockpile work will be done in accordance with grading plans and specifications as approved by the city engineer;
4. Agreement by the owner that the stockpile will be maintained in a safe and sanitary manner at the sole cost, risk and responsibility of the owner;
5. Agreement by the owner indemnifying and holding the city harmless against any and all claims arising from the grading or maintenance of the stockpile; and
6. Agreement by the owner that the agreement for uncontrolled stockpile will inure and be binding upon any and all successors in interest to the property.

C. The agreement for uncontrolled stockpile shall be approved by the city engineer and recorded by the city clerk in the office of the county recorder as constructive notice upon the land involved. The notice shall remain in effect until release of the agreement is filed by the city engineer. (Ord. NS-385 § 4, 1996)

15.16.160 Appeals.

A. An individual may appeal the decision of the city engineer made in regard to administration of this chapter to the city council within 10 calendar days following the decision. Appeals shall be in writing, filed with the city clerk and shall state the basis for the appeal. Fees for filing an appeal shall be in an amount as established by resolution of the city council. The decision of the city council shall be final.

B. The city clerk shall thereupon fix a time and place for hearing such appeal. The city clerk shall give notice to the appellant and applicant/permittee of the time and place of hearing by serving the notice personally or by depositing it in the United States Post Office in the city, postage prepaid, addressed to such persons at their last known address. (Ord. NS-385 § 4, 1996)

15.16.170 Unlawful acts.

A. It is unlawful to:

1. Perform grading work without a grading permit when such permit is required pursuant to this chapter;
2. Perform any grading work which is not in conformance with an approved grading permit;
3. Make a false statement or furnish false data on any application, grading plan, engineering report or other document required pursuant to the provisions of this chapter; or
4. Delay, frustrate or otherwise hinder the efforts of the city engineer or designee from carrying out the duties required pursuant to the provisions of this chapter.

B. Regardless of whether or not a grading permit has been issued or is required to be issued, it is unlawful for any person to commit or cause to be committed the following acts or, to maintain or cause to be maintained a property in such a manner as to result in the commission of the following acts:

1. Grading in such a manner as to become a hazard to life and limb or to endanger property or to adversely affect the safe use or stability of a public property, place or way;
2. Grading without application of appropriate stormwater best management practices (BMPs) in accordance with the provisions of this title, city standards and municipal permit;

3. Dump, move or place any soil, sand, gravel, rock or other earthen material, or leave any bank, slope or other earthen surface unprotected so as to cause any such earthen material to be deposited upon or to roll, blow or wash upon or over the premises of another without the express consent of the owner of each such premises so affected or, upon or over any public property, place or way. Such consent shall be in writing and in a form acceptable to the city engineer; or

4. Transport, haul or otherwise move any soil, sand, gravel, rock or other earthen material over any public or private street, place or way in such a manner as to allow such materials to blow or spill over and upon such public or private street, place or way. (Ord. NS-881 § 12, 2008; Ord. NS-385 § 4, 1996)

15.16.180 Investigation fee.
A. Whenever any work for which a permit is required by this code has been commenced without first obtaining a grading permit or an unlawful act, as defined in Section 15.16.170, has been committed, the city engineer shall conduct a special investigation into the cause, extent and potential remedial actions that must be undertaken before a new permit may be issued, the stop work notice is removed or the notice of grading violation is released. The city engineer shall collect an investigation fee from the offender whether or not a permit is then or subsequently issued. The investigation fee shall be established by resolution of the city council and shall be in addition to any required permit fee. The investigation fee may be reduced or waived if the city engineer finds that:
   1. The amount of the investigation fee is significantly out of proportion to the cost of the administrative work necessary to investigate the violation or unlawful act;
   2. The violation or unlawful act was not in the control of the property owner and the property owner took immediate action to correct the violation upon notification by the city engineer; or
   3. The violation or unlawful act was caused by or resulted from an unintentional action or misunderstanding of city codes or a directive issued by the city engineer or the city engineer’s authorized representative.

B. The payment of an investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. (Ord. NS-385 § 4, 1996)

15.16.190 Enforcement measures—Remedies.
Whenever the city engineer determines that an unlawful act, as defined in Section 15.16.170, has been committed by an individual operating with or without benefit of a grading permit, the following enforcement measures and remedies may be undertaken by the city engineer, in lieu of or in addition to any remedial actions undertaken in accordance with Section 15.16.140.

A. Stop Work Notice. The city engineer may issue a stop work notice demanding that all unlawful activities, as defined in this chapter, be stopped until a valid grading permit is obtained or corrective action is authorized by the city engineer. The city engineer may allow continuance of the work to the extent necessary to install protective measures to safeguard the public or to secure the site against erosion, sedimentation and the discharge of non-stormwater pollutants. Prior to resumption of any work, other than as may be permitted by the city engineer pursuant to this subsection, on a permitted grading operation, the permittee shall restore all cash deposits and/or other securities consumed by the city to the amount specified in the approved grading and erosion control agreement.

B. Owner Notification. The owner of the property shall be notified in writing that a violation has occurred. The notification shall specify the location, nature and extent of the activity or condition which contributed to the violation, the corrective action needed to cure the violation and the period of time deemed necessary by the city engineer to correct the violation.
C. Record Notice of Grading Violation. In the event that the owner does not correct the violation in the manner or within the time period requested by the city engineer, the city engineer shall record a notice of grading violation against the property with the county recorder. Upon completion of any corrective action and/or issuance of a valid grading permit and upon payment of the investigation fee required pursuant to this section, the city engineer shall file a notice of release of grading violation with the county recorder releasing the property from the notice of grading violation.

D. Prohibition of Development Permits. Any property which has a notice of grading violation recorded against it shall be prohibited from obtaining or using any development permit pursuant to Titles 18, 20 and 21 of this code until after all corrective actions are taken in accordance with the requirements of the city engineer and, a notice of release of grading violation has been recorded with the county recorder.

E. Investigation Fee. An investigation fee shall be paid by the person responsible for the violation in accordance with the provisions of this chapter. The payment of such investigation fee shall not relieve any person from the performance of the corrective work or otherwise complying with the requirements of this chapter.

F. Criminal Penalties. Each person, firm or corporation who commences or does any grading contrary to the provisions of this chapter, or otherwise violates the provisions of this chapter, is guilty of an infraction. Every day during any portion of which any violation of any provisions of this title is committed, continued or permitted by such person, firm or corporation, shall be deemed a separate violation and shall be punishable as provided in this title and in Section 1.08.010(B) of this code.

G. Abatement of Public Nuisance. Any grading commenced or done contrary to the provisions of this chapter, or other violation of this chapter, shall be, and the same is declared to be, a public nuisance. Upon order of the city council, the city attorney shall commence necessary proceedings for the abatement of any such public nuisance in the manner provided by law. Any failure, refusal, or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed in connection with any grading commenced or done contrary to the provisions of this chapter.

H. Civil Action. The city attorney may, at the request of the city engineer, initiate any appropriate civil action in a court of competent jurisdiction to enforce the stop work notice, including the required corrective actions, and/or the grading and erosion control agreement, including the recovery of any funds expended by the city to abate any public nuisance resulting from an unlawful act as defined in Section 15.16.170 and any additional civil penalties provided for by law. (Ord. NS-881 § 13, 2008; Ord. NS-385 § 4, 1996)
Title 16

(RESERVED)
Title 17

FIRE PROTECTION

Chapter:

17.04 Fire Prevention Code
Chapter 17.04

FIRE PREVENTION CODE*

Sections:
17.04.010 Adoption.
17.04.020 Chapter 1, Division II, Part 1, Section 101.5 Validity—Amended.
17.04.030 Chapter 1, Division II, Part 1, Section 102.5 Application of California Residential Code—Amended.
17.04.040 Chapter 1, Division II, Part 2, Section 109.3 Violation penalties—Amended.
17.04.050 Chapter 1, Division II, Part 2, Section 111.4 Failure to comply—Amended.
17.04.060 Chapter 1, Division II, Part 2, Section 113.3 Work commencing prior to issuance of permit—Added.
17.04.070 Recovery of costs—Amended.
17.04.080 Section 201.3 Terms defined in other codes—Amended.
17.04.090 Section 202 Definitions—Fire hazard—Amended.
17.04.100 Section 202 Definitions—High fire hazard severity zone—Amended
17.04.110 Section 202 Definitions—High-rise building—Amended.
17.04.120 Section 202 Definitions—Ignition-resistant material—Amended
17.04.130 Section 202 Definitions—Jurisdiction—Amended.
17.04.140 Section 202 Definitions—Projections—Amended.
17.04.150 Section 202 Definitions—Vegetation—Amended.
17.04.160 Section 304.1.2 Definitions—Vegetation—Amended.
17.04.170 Section 307.5.1 Adult supervision at open fires—Amended.
17.04.180 Section 312.2(5) Posts—Amended.
17.04.190 Section 316.3 Pitfalls—Amended.
17.04.200 Section 318 General storage of firewood—Amended.
17.04.210 Section 319 Maintenance of fire suppression zones—Amended.
17.04.220 Section 503.2.1 Dimensions—Amended.
17.04.230 Section 503.2.1.1 Minimum street width in fire hazard zones—Amended.
17.04.240 Section 503.2.1.2 Measurement of street width—Amended.
17.04.250 Section 503.2.1.3 Measurement of street width—Single entry development—Amended.
17.04.260 Section 503.2.3 Surface—Amended.
17.04.270 Section 503.2.4 Turning radius—Amended.
17.04.280 Section 503.2.7 Grade—Amended.
17.04.290 Section 503.3.1 Marking of fire apparatus access roads—Amended.
17.04.300 Section 503.4.1 Traffic calming devices—Amended.
17.04.310 Section 503.6.1 Gates—Amended.
17.04.320 Section 505.1 Street numbers—Amended.
17.04.330 Section 505.3 Easement address signs—Amended.
17.04.340 Section 505.4 Map/directory—Amended.
17.04.350 Section 505.5 Response map updates—Amended.
17.04.360 Section 506 Fire service features—Amended.
17.04.370 Section 507.3 Fire flow—Amended.
17.04.380 Chapter 5, Section 510.6.1 Testing and proof of compliance—Amended.
17.04.390 Section 603.6.6 Spark arrestors—Amended.
17.04.400 Section 603.8 Incinerators—Amended.
17.04.410 Section 901.4.7 Fire department connections—Amended.
17.04.420 Section 903.2 Automatic fire extinguishing systems—Amended.
17.04.430 Section 903.2.1.1(1) Group A-1—Amended.
17.04.440 Section 903.2.1.3(1) and (4) Group A-3—Amended.
17.04.010 Adoption.
The City of Carlsbad adopts by reference the 2013 Edition of the California Fire Code (hereinafter “California Fire Code”), two copies of which are on file in the office of the city clerk, known as California Code of Regu-
lations, Title 24, Part 9, except for the following amendments thereto. The city amends the provisions of the 2013 California Fire Code to include the requirements of the 2013 Edition of the International Fire Code including Appendix Chapters 4 and Appendices B (as amended), BB, C, D (as amended), F, G, H, I, J and K (amended) as published by the International Code Council for those occupancies not subject to the 2013 California Fire Code. As adopted and amended herein, the 2013 California Fire Code becomes the Fire Code of the City of Carlsbad. (Ord. CS-246 § 2, 2014)

17.04.020 Chapter 1, Division II, Part 1, Section 101.5 Validity—Amended.
Chapter 1, Division II, Part 1, Section 101.5 of the California Fire Code is amended to read as follows:

The City Council of the City of Carlsbad hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the City of Carlsbad Municipal Code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance independently of the elimination here from of any such portion as may be declared invalid.

(Ord. CS-246 § 2, 2014)

17.04.030 Chapter 1, Division II, Part 1, Section 102.5 Application of California Residential Code—Amended.
Chapter 1, Division II, Part 1, Section 102.5 of the California Fire Code is amended to read as follows:

Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access, water supplies, and Section 903.2. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.

2. Administrative, operational, and maintenance provisions: all such provisions of this code shall apply.

(Ord. CS-246 § 2, 2014)

17.04.040 Chapter 1, Division II, Part 2, Section 109.3 Violation penalties—Amended.
Chapter 1, Division II, Section 109.3 of the California Fire Code is amended to read as follows:

Any person who violates any of the provisions of this code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement or specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no timely appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Attorney of the City of Carlsbad or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding $1,000 or by imprisonment in County Jail not exceeding six months, or both.

The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. CS-246 § 2, 2014)

17.04.050 Chapter 1, Division II, Part 2, Section 111.4 Failure to comply—Amended.
Chapter 1, Division II, Section 111.4 of the California Fire Code is amended to read as follows:
Any person, who continues any work after having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than $250 or more than $1,000.

(Ord. CS-246 § 2, 2014)

Chapter 1, Division II, Part 2, Section 113.3 Work commencing prior to issuance of permit—Added.

Chapter 1, Division II, Section 113.3 of the California Fire Code is amended to read as follows:

Any person who commences any work, activity or operation regulated by this code prior to the issuance or obtaining the required and necessary permits shall be subject to an additional fee that is equal to the original permit fee, which shall be in addition to the required permit fees.

(Ord. CS-246 § 2, 2014)

Recovery of costs—Amended.

The City shall be entitled to recover the cost of emergency services as described in subsections A through E below. Service costs shall be computed by the fire department under the direction of the city finance department and shall include the costs of personnel, equipment facilities, materials and other external resources.

A. Any person or corporation who allows a hazard to exist on property under control of that person or corporation, after having been ordered by the fire department or other city department to abate that hazard, is liable for the cost of services provided by the fire department should an emergency arise as a result of said unabated hazard.

B. Any person or corporation whose negligence causes an incident to occur on any public or private street, driveway or highway, which, for the purposes of life, property or environmental protection, places a service demand on the city fire department resources beyond the scope of routine service delivery, shall be liable for all costs associated with that service demand.

C. Any person or corporation responsible for property equipped with fire protection or detection devices which, due to malfunction, improper manipulation or negligent operation causes a needless response by the fire department to the property shall, for a period of 12 months after written notification by the fire prevention bureau, be liable for all future costs associated with each subsequent needless response caused by those devices.

D. Any person or corporation who conducts unlawful activity which results in fire, explosion, chemical release or any other incident to which the fire department responds for the purpose of performing services necessary for the protection of life, property or the environment, shall be liable for the costs associated with the delivery of those services.

E. When, in the interest of public safety, the fire chief, pursuant to Section 2501.18 of this code, assigns fire department employees as standby personnel at any event, or upon any premise, the person or corporation responsible for the event or premises shall reimburse the fire department for all costs associated with the standby services. (Ord. CS-246 § 2, 2014)

Section 201.3 Terms defined in other codes—Amended.

Section 201.3 of the California Fire Code is amended to read as follows:

Where terms are not defined in this code and are defined in the California Building Code, California Mechanical Code, California Plumbing Code, California Residential Code and the International Urban-Wildland Interface Code, such terms shall have the meanings ascribed to them as in those codes.

(Ord. CS-246 § 2, 2014)
17.04.090  Section 202 Definitions—Fire hazard—Amended.

Section 202 of the California Fire Code is amended to read as follows:

“Fire hazard” is any thing or act that increases or could cause an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

(Ord. CS-246 § 2, 2014)

17.04.100  Section 202 Definitions—High fire hazard severity zone—Amended.

Section 202 of the California Fire Code is amended to read as follows:

“High Fire Hazard Severity Zone” is any geographic area designated in accordance with California Government Code Section 51178, which contains the type and condition of vegetation, topography, weather and structure density which potentially increases the possibility of wildland conflagrations.

(Ord. CS-246 § 2, 2014)

17.04.110  Section 202 Definitions—High-rise building—Amended.

Section 202 of the California Fire Code is amended to read as follows:

“High-rise building,” as used in this code: “Existing high-rise building” means a high-rise building, the construction of which is commenced or completed prior to July 1, 1974. “High-rise building” means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access (see California Building Code, Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250. "New high-rise building" means a high-rise building, the construction of which is commenced on or after July 1, 1974.

(Ord. CS-246 § 2, 2014)

17.04.120  Section 202 Definitions—Ignition-resistant material—Amended.

Section 202 of the California Fire Code is amended to read as follows:

“Ignition-resistant material” is defined as any product which, when tested in accordance with ASTM E84 for a period of 30 minutes, shall have a flame spread of not over 25 feet, and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 10.5 feet (3,200 mm) beyond the centerline of the burner at any time during the test.

Materials shall pass the accelerated weathering test and be identified as Exterior type, in accordance with ASTM D 2898 and ASTM D 3201.

All materials shall bear identification showing the fire performance rating thereof. That identification shall be issued by ICC—ES or a testing facility recognized by the State Fire Marshal having a service for inspection of materials at the factory.

Fire-Retardant-Treated Wood or noncombustible materials as defined in Section 202 shall satisfy the intent of this section.

The enforcing agency may use other definitions of “ignition-resistant material” that reflect wildfire exposure to building materials and/or their materials performance in resisting ignition.

(Ord. CS-246 § 2, 2014)

17.04.130  Section 202 Definitions—Jurisdiction—Amended.

Section 202 of the California Fire Code is amended to read as follows:

“Jurisdiction” shall mean the City of Carlsbad.
17.04.140  **Section 202 Definitions—Projections—Amended.**
Section 202 of the California Fire Code is amended to read as follows:

“Projections” are defined as cornices, eave overhangs, exterior balconies and similar projections extending beyond the floor area. Projections shall conform to the requirements of Section 704.2 and Section 1406 of the California Building Code. Exterior egress balconies and exterior exit stairways shall also comply with Section 1014.5 and 1023.1 of the California Building Code, respectively. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:

1. A point one-third the distance to the lot line from an assumed vertical plane located where protected openings are required in accordance with California Building Code Section 704.8, but not less than five feet from the lot line.

2. Group R-3, and Group U when used as access to Group R-3, shall be constructed not less than five feet from any lot line without having a fire resistance rated exterior wall and openings that are protected as set forth in Table 5-A of the California Building Code.

17.04.150  **Section 202 Definitions—Vegetation—Amended.**
Section 202 of the California Fire Code is amended to read as follows:

“Vegetation” means weeds, grass, vines or other organic (cellulose) growth that is capable of being ignited and endangering property, and such vegetation shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with City of Carlsbad standards.

17.04.160  **Section 304.1.2 Definitions—Vegetation—Amended.**
Chapter 3, Section 304.1.2 of the California Fire Code is amended to read as follows:

“Vegetation” means weeds, grass, vines or other organic (cellulose) growth that is capable of being ignited and endangering property, and such vegetation shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with City of Carlsbad standards.

17.04.170  **Section 307.5.1 Adult supervision at open fires—Amended.**
Chapter 3 of the California Fire Code is amended to add Section 307.5.1 to read as follows:

An adult (as defined in Webster’s New World Dictionary—Eleventh College Edition) must be present at all times to watch and tend outdoor fires.

17.04.180  **Section 312.2(5) Posts—Amended.**
Chapter 3, Section 312.2(5) of the California Fire Code is amended to read as follows:

Posts shall be located not less than 5 feet (152.5 mm) from the protected object.

17.04.190  **Section 316.3 Pitfalls—Amended.**
Chapter 3, Section 316.3 of the California Fire Code is amended to read as follows:
When pitfalls are installed in violation of this code, the California Penal Code shall be used for penalties, and violations of this section.

(Ord. CS-246 § 2, 2014)

17.04.200 Section 318 General storage of firewood—Amended.
Chapter 3, Section 318 of the California Fire Code is amended to read as follows:

Firewood shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the Fire Code Official, storage of firewood material stored in the defensible space shall be located a minimum of 30 feet (9,144 mm) from structures and separated from the crown of trees by a minimum of 15 feet (4,572 mm), measured horizontally. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

(Ord. CS-246 § 2, 2014)

17.04.210 Section 319 Maintenance of fire suppression zones—Amended.
Chapter 3, Section 319 of the California Fire Code is amended to read as follows:

Sec. 319.1 When required. An application for a development permit for any property located in a wildland-urban interface fire area shall be required to have a Fire Protection Plan (FPP) approved by the Fire Code Official, as part of the approval process.

Section 319.2 Content. The FPP shall consider location, topography, geology, aspect, combustible vegetation (fuel types), climatic conditions and fire history. The plan shall address the following in terms of compliance with applicable codes and regulations including but not limited to: water supply, primary access, secondary access, travel time to nearest serving fire station, structural ignitability, structure set back, ignition-resistive building features, fire protection systems and equipment, impacts to existing emergency services, defensible space and vegetation management.

Section 319.4 Maintenance of defensible space. Any person owning, leasing, controlling, operating or maintaining a building or structure required to establish a fuel modification zone pursuant to City of Carlsbad development standards shall maintain the defensible space. The Fire Authority Having Jurisdiction (FAHJ) may enter the property to determine if the person responsible is complying with this section. The FAHJ may issue an order to the person responsible for maintaining the defensible space directing the person to modify or remove non-fire resistant vegetation from defensible space areas, remove leaves, needles and other dead vegetative material from the roof of a building or structure, maintain trees as required by this section or to take other action the FAHJ determines is necessary to comply with the intent of this section.

Section 319.5 Responsibility. Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall be annually or as determined by the FAHJ and may include, but not be limited to, the modification or removal of non-fire resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.

Section 319.6 Trees. Crowns of trees located within defensible space shall maintain a minimum horizontal clearance of 10 feet (3,048 mm) for fire resistant trees and 30 feet (9,144 mm) for non-fire resistive trees. Mature trees shall be pruned to remove limbs one-third the height or six feet, whichever is less, above the ground surface adjacent to the trees. Dead wood and litter shall be regularly removed from trees. Ornamental trees shall be limited to groupings of two to three trees with canopies for each grouping separated horizontally as described in the International Wildland Urban Interface Code (IWUIC).

(Ord. CS-246 § 2, 2014)
17.04.220 Section 503.2.1 Dimensions—Amended.
Chapter 5, Section 503.2.1 of the California Fire Code is amended to read as follows:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7,315 mm) exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance or “Clear-to-sky.”

(Ord. CS-246 § 2, 2014)

17.04.230 Section 503.2.1.1 Minimum street width in fire hazard zones—Amended.
Chapter 5, Section 503.2.1.1 of the California Fire Code is amended to read as follows:

Public and private streets shall have a minimum unobstructed width of 28-foot (8,534 mm) clear travel way where adjacent lots are located within designated Fire Hazard Zones/Fire Suppression Zone.

(Ord. CS-246 § 2, 2014)

17.04.240 Section 503.2.1.2 Measurement of street width—Amended.
Chapter 5, Section 503.2.1.2 of the California Fire Code is amended to read as follows:

Street widths are to be measured from face-of-curb to face-of-curb on streets with curb and gutter, and from flow-line to flow-line on streets with rolled curbs.

(Ord. CS-246 § 2, 2014)

17.04.250 Section 503.2.1.3 Measurement of street width—Single entry development—Amended.
Chapter 5, Section 503.2.1.3 of the California Fire Code is amended to read as follows:

1. Single entry developments may be permitted with special approval of the Fire Code Official. A 36-foot (10,972 mm) curb-to-curb residential street may be provided for a street that serves 24 or less dwelling units. If adjacent lots contain any portion of a Fire Hazard Zone/Fire Suppression Zone within the property line, a 42-foot (12,801 mm) curb-to-curb street is required.

2. With special approval of the Fire Code Official and the City Engineer, 40-foot (12,192 mm) curb-to-curb residential street may serve 50 or less dwelling units. If adjacent lots contain any portion of a Fire Hazard Zone/Fire Suppression Zone, a 42-foot (12,801 mm) curb-to-curb distance is required.

3. With approval of the Fire Code Official and the City Engineer, a four lane secondary arterial with a raised median or major arterial may be allowed when all of the following conditions are met:
   a. The length of street does not exceed one-half mile.
   b. Traffic volume at entrance does not exceed 3,000 ADT.
   c. All buildings are equipped with automatic fire sprinkler systems.

4. With approval of the Fire Code Official and City Engineer, a 52-foot (15,849 mm) wide curb-to-curb industrial street and may be allowed when all of the following conditions are met:
   a. The length of street does not exceed one-half mile.
   b. Traffic volume at entrance does not exceed 3,000 ADT.
   c. All buildings are equipped with automatic fire sprinkler systems.

(Ord. CS-246 § 2, 2014)

17.04.260 Section 503.2.3 Surface—Amended.
Section 503.2.3 of the California Fire Code is amended to read as follows:
Fire apparatus access roads shall be designed and maintained to support not less than 75,000 lbs. (unless authorized by the Fire Code Official) and shall be provided with an approved paved surface so as to provide all-weather driving capabilities.

(Ord. CS-246 § 2, 2014)

**17.04.270 Section 503.2.4 Turning radius—Amended.**

Section 503.2.4 of the California Fire Code is amended to read as follows:

The inside turning radius for an access road shall be 28 feet (8,534 mm) or greater with a 5-foot (1,524 mm) back of curb clearance for bumper overhang. The outside turning radius for an access road shall be a minimum of 46 feet (14,021 mm). California Department of Transportation Highway Design Manual, Figure 404.5F shall be utilized.

(Ord. CS-246 § 2, 2014)

**17.04.280 Section 503.2.7 Grade—Amended.**

Section 503.2.7 of the California Fire Code is amended to read as follows:

The gradient for a fire apparatus access roadway shall not exceed 10% (5.7 degrees). The grade may be increased to a maximum of 15% (8.5 degrees) for approved lengths of access roadways when all structures served by the access road are protected by automatic fire sprinkler systems. Cross slope shall not be greater than two percent for paved access roadways. Grades exceeding 10% (incline or decline) shall not be permitted without mitigation.

Minimal mitigation shall be the installation of fire sprinkler systems and a surface of Portland cement concrete (PCC), with a deep broom finish perpendicular to the direction of travel, or equivalent, to enhance traction.

The Fire Code Official may require additional mitigation measures where deemed appropriate.

The angle of departure and angle of approach of a fire access roadway shall not exceed 12% (7 degrees) or as approved by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

**17.04.290 Section 503.3.1 Marking of fire apparatus access roads—Amended.**

Section 503.1 of the California Fire Code is amended to read as follows:

When required by the Fire Code Official, one or more of the following methods shall be used to identify fire apparatus access roads and prohibit their obstruction:

1. The entire length of the road shall be marked by approved signs posted at intervals no greater than 100 feet (30,480 mm), which identify the road as a “Fire lane” and state the prohibition of parking therein. The sign shall also warn that vehicles in violation are subject to citation or removal. Such signs shall be posted in a permanent manner at a height no greater than nine feet and no less than seven feet; or,

2. Standard curbs bordering fire access roads shall have the words “NO PARKING FIRE LANE” painted upon their horizontal and vertical surfaces at intervals of not more than 25 feet (7,620 mm). Letters shall be of block style, minimum five inches in height with a stroke of not less than three-fourths inch, and shall be white on a red background. The background shall extend at least six inches beyond the first and last letters of the text; or,

3. A monument type sign may be placed at the entrance to a private street which provides information as stated in subsection 1 above, with additional wording necessary to inform approaching vehicles of parking restrictions. Such signs must be approved by the Police Department and the Fire Code Official prior to installation.

(Ord. CS-246 § 2, 2014)
Section 503.4.1 Traffic calming devices—Amended.
Chapter 5, Section 503.4.1 of the California Fire Code is amended to read as follows:
Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus response times shall not be installed on fire access roadways, unless they meet design criteria approved by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

Section 503.6.1 Gates—Amended.
Chapter 5, Section 503.6.1 of the California Fire Code is amended to read as follows:
All gates or other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Code Official, and receive plan approval by the Fire Code Official. All automatic gates across fire access roadways and driveways shall be equipped with an approved emergency key-operated switch which overrides all command functions and opens the gate(s). Gates accessing more than four residences or residential lots, or gates accessing hazardous, institutional, educational or assembly occupancy group structures, shall also be equipped with approved emergency traffic control-activating strobe light sensor(s), or other devices approved by the Fire Code Official, which will activate the gate on the approach of emergency apparatus and shall be provided with a battery back-up or manual mechanical disconnect in case of power failure.

All automatic gates accessing more than four residences or residential lots must meet fire department policies deemed necessary by the Fire Code Official for rapid, reliable access. All gates providing access from a road to a driveway shall be located a minimum of 30 feet (9,144 mm) from the nearest edge of the roadway and the driveway width shall be 36 feet (10,973 mm) wide at the entrance on roadways of 24 feet (7,315 mm) or less of the traffic lane(s) serving the gate.

Automatic gates serving more than one dwelling or residential lot in existence at the time of adoption of this ordinance are required to install an approved emergency key-operated switch, or other mechanism approved by the Fire Code Official, at an approved location, which overrides all command functions and opens the gate(s). Property owners must comply with this requirement within 90 days of written notice to comply.

Where this section requires an approved key-operated switch, it shall be dual keyed or dual switches shall be provided to facilitate access by law enforcement personnel. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

School grounds may be fenced and gates therein may be equipped with locks, provided that safe dispersal areas, based on three square feet per occupant, are located between the school and the fence. Such required safe dispersal areas shall be located at least 50 feet from school buildings. Every public and private school shall conform to Education Code Section 32020, which states:

The governing board of every public school district and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed (except for building walls) by fences or walls, shall, through the cooperation of local law enforcement and fire protection agencies having jurisdiction of the area, provide for the erection of gates in these fences or walls.

The gates shall be of sufficient size to permit the entrance of ambulances, police equipment and fire-fighting apparatus used by law enforcement and fire protection agencies. There shall be no less than one access gate and there shall be as many of these gates as needed to ensure access to all major buildings and ground areas. If these gates are equipped with locks, the locking devices shall be designed to permit ready entrance by the use of chain or bolt-cutting devices. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.
17.04.320  **Section 505.1 Street numbers—Amended.**
Section 505.1 of the California Fire Code is amended to read as follows:

Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size:

Single family residences: four inches high with a three-eighths inch stroke; for unit identification of multi-family residential buildings: six inches high with a one-half inch stroke; for commercial, industrial and multi-family residential buildings: minimum 12 inches high with a 1 ½ inch stroke.

Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers. The Fire Code Official may establish different minimum sizes for numbers for various categories of projects.

Multi-unit buildings: suite/apartment numbers shall be placed on or adjacent to the primary entrance for each suite/apartment, and any other door providing access to fire department personnel during an emergency.

Multiple residential and commercial units having entrance doors not visible from the street or road shall, in addition to numbers placed adjacent to the entry door, shall have approved numbers grouped for all units within each structure and positioned to be plainly visible from the street, road or access path.

Multi-building clusters: shall place approved numbers or addresses on the front elevation(s) of all buildings that form the cluster.

(Ord. CS-246 § 2, 2014)

17.04.330  **Section 505.3 Easement address signs—Amended.**
Chapter 5, Section 505.3 of the California Fire Code is amended to read as follows:

All easements which are not named differently from the roadway, from which they originate, shall have an address sign installed and maintained, listing all street numbers occurring on that easement and shall be located where the easement intersects the named roadway. Minimum size of numbers on that sign shall be four inches in height with a minimum stroke of three-eighths inch, and shall contrast with the background.

(Ord. CS-246 § 2, 2014)

17.04.340  **Section 505.4 Map/directory—Amended.**
Chapter 5, Section 505.4 of the California Fire Code is amended to read as follows:

A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance to multiple unit residential projects and mobile home parks where the number of units in such projects exceeds 15 units.

(Ord. CS-246 § 2, 2014)

17.04.350  **Section 505.5 Response map updates—Amended.**
Chapter 5, Section 505.5 of the California Fire Code is amended to read as follows:

Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format approved by the fire department. The responsible party shall be charged a reasonable fee for updating the City emergency response maps.
For any new power plant to be developed in the City of Carlsbad located west of Interstate 5, north of Cannon Road, south of Agua Hedionda Lagoon and east of the NCTD right of way, that does not conform to the requirements of the Carlsbad Fire Chief pursuant to Title 24 California Code of Regulations Section 503.2.2, response to any emergency shall be provided primarily by the California Energy Commission or the power plant applicant or landowner, as appropriate, and the Carlsbad Fire Department shall be in a secondary response position and shall provide emergency responses as appropriate on an incident-by-incident basis.

The response maps for any emergency response to this location shall be modified to indicate that the California Energy Commission or the power plant applicant or landowner, as appropriate, shall provide primary response in the event of an emergency.

The City Clerk shall give notice of this modification as required by Health and Safety Code Section 17958.7 to the California Building Standards Commission.

(Ord. CS-246 § 2, 2014)

17.04.360 Section 506 Fire service features—Amended.
Chapter 5, Section 506 of the California Fire Code is amended to read as follows:

Section 506.1 Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Fire Code Official is authorized to require a key box to be installed in an accessible location. The key box shall be a type approved by the Fire Code Official and shall contain keys to gain necessary access as required by the Fire Code Official.

Section 506.2.1 Emergency Key Access. All central station-monitored fire detection systems and fire sprinkler systems shall have an approved emergency key access box on site in an approved location. The owner or occupant shall provide and maintain current keys for the structure(s) for fire department placement in the box, and shall notify the fire department in writing when the building is re-keyed.

All appliances for all central station-monitored fire detection systems and fire sprinkler systems shall have an approved single access key at the direction of the Fire Code Official.

(Ord. CS-246 § 2, 2014)

17.04.370 Section 507.3 Fire flow—Amended.
Section 507.3 of the California Fire Code is amended to read as follows:

Fire flows shall be based on Appendix B (as amended) of the 2013 California Fire Code. Consideration should be given to increasing the gallons per minute set forth in Appendix B (as amended) to protect structures of extremely large square footage and for such reasons as: poor access roads; grade and canyon rims; hazardous brush; and response times greater than five minutes by a recognized fire department or fire suppression company.

In hazardous fire areas as defined in Appendix B, the main capacity for new subdivisions shall not be less than 2,500 gallons per minute, unless otherwise approved by the Fire Code Official.

If fire flow increases are not feasible, the Fire Code Official may require alternative design standards such as: alternative types of construction providing a higher level of fire resistance; fuel break requirements which could include required irrigation; modified access road requirements; specified setback distances for building sites addressing canyon rim developments and hazardous brush areas; and other requirements authorized by the Carlsbad Municipal Code and as specified by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

17.04.380 Chapter 5, Section 510.6.1 Testing and proof of compliance—Amended.
Chapter 5, Section 510.6.1 of the California Fire Code is amended to read as follows:
5. At the conclusion of the testing, a report which shall verify compliance with Section 510.5.4 shall be submitted to the Fire Code Official. In addition, one complete copy of the report shall be posted in the building, on the wall immediately adjacent to the fire alarm control panel.

(Ord. CS-246 § 2, 2014)

17.04.390 Section 603.6.6 Spark arrestors—Amended.
Section 603.6.6 of the California Fire Code is amended to read as follows:

An approved spark arrester shall be provided per California Residential Code (CRC) Section 1003.9.1.

(Ord. CS-246 § 2, 2014)

17.04.400 Section 603.8 Incinerators—Amended.
Section 603.8 of the California Fire Code is amended to read as follows:

Incinerators shall be prohibited.

(Ord. CS-246 § 2, 2014)

17.04.410 Section 901.4.7 Fire department connections—Amended.
Section 901.4.7 of the California Fire Code is amended to read as follows:

Fire hose threads used in connection with fire-extinguishing systems shall be National Standard Thread or as approved by the Fire Code Official. The location of fire department hose connections and control valves shall be approved by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

17.04.420 Section 903.2 Automatic fire extinguishing systems—Amended.
Section 903.2 of the California Fire Code is amended to read as follows:

When required by any title of the Carlsbad Municipal Code, an approved automatic sprinkler system in new buildings and structures shall be provided in the locations described in this section.

For the purpose of fire-sprinkler systems, buildings separated by less than 10 feet (3,048 mm) from adjacent buildings shall be considered as one, this includes one- and two-family dwellings.

Barriers, partitions and walls, regardless of rating, shall not be considered as creating separate buildings for purposes of determining fire sprinkler requirements.

All new non-residential buildings constructed in which the aggregate floor area exceeds 5,000 square feet (464 m²) shall be required to be protected throughout by an approved automatic fire sprinkler system at the discretion of the Fire Code Official. Mezzanines shall be included in the total square footage calculation.

Any building or occupancy that employs a medical gas system as defined in Section 3006, in addition to complying with the items described in 3006.1 through 3006.4, shall comply with the latest edition of NFPA 99. These occupancies shall be required to have an automatic fire sprinkler system designed to NFPA 13 standards.

Notation: Authority: Health and Safety Code Sections 13108, 13143, 17921, 18949.2 which shall be considered equivalent to NFPA 13D. Section P2904.4 and R313.3 shall apply to stand-alone and multipurpose wet-pipe sprinkler systems that do not include the use of antifreeze. A multipurpose fire sprinkler system shall supply domestic water to both fire sprinklers and plumbing fixtures. A stand-alone sprinkler system shall be separate and independent from the water distribution system. A backflow flow preventer shall not be required to separate a multi-purpose sprinkler system from the water distribution system.
For Group L and H occupancies that utilize medical gas systems for research purposes, Section 3006 in its entirety and all applicable chapters and sections of the 2010 fire code and applicable nationally recognized standards shall apply.

All obstructions such as fences, planters, vegetation and other structures must be considered when determining whether a building is accessible from a particular location on the fire access roadway. Topography may also affect the potential access route and any significant changes in elevation must be accounted for when measuring hose-pull distances. (The “hose-pull” distance is measured along a path that simulates the route a firefighter may take to access all portions of the exterior of a structure from the nearest public road or fire access road).

(Ord. CS-246 § 2, 2014)

17.04.430  Section 903.2.1.1(1) Group A-1—Amended.
Section 903.2.1.1(1) of the California Fire Code is amended to read as follows:

1. The fire area exceeds 5,000 square feet (464 m²).

(Ord. CS-246 § 2, 2014)

17.04.440  Section 903.2.1.3(1) and (4) Group A-3—Amended.
Section 903.2.1.3(1) and (4) of the California Fire Code is amended to read as follows:

1. The fire area exceeds 5,000 square feet (464 m²).

4. The structure exceeds 5,000 square feet (464 m²), contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

(Ord. CS-246 § 2, 2014)

17.04.450  Section 903.2.1.4(1) Group A-4—Amended.
Section 903.2.1.4(1) of the California Fire Code is amended to read as follows:

1. The fire area exceeds 5,000 square feet (464 m²).

(Ord. CS-246 § 2, 2014)

17.04.460  Section 903.2.3(1) and (4) Group E—Amended.
Section 903.2.3(1) and (4) of the California Fire Code is amended to read as follows:

1. Throughout all Group E fire areas greater than 5,000 square feet (464 m²) in area.

4. Throughout any Group E structure greater than 5,000 square feet (464 m²) in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

(Ord. CS-246 § 2, 2014)

17.04.470  Section 903.2.7(1) and (3) Group M—Amended.
Section 903.2.7(1) and (3) of the California Fire Code is amended to read as follows:

1. Throughout all Group M fire areas greater than 5,000 square feet (464 m²) in area.

3. The combined area of all Group M fire areas on all floors, including mezzanines, exceeds 5,000 square feet (464 m²) aggregate area.

(Ord. CS-246 § 2, 2014)

17.04.480  Section 903.2.9(1) and (4) Group S-1—Amended.
Section 903.2.9(1) and (4) of the California Fire Code is amended to read as follows:
17.04.490

Section 903.3.1.1.1 Exception 4—Deleted.
Section 903.3.1.1.1, Exception 4 of the California Fire Code, is deleted in its entirety.
(Ord. CS-246 § 2, 2014)

17.04.500 Section 903.3.3 Obstructed locations—Amended.
Section 903.3.3 of the California Fire Code, is amended to read as follows:

Sprinkler discharge shall not be blocked by obstructions unless additional sprinklers are installed to protect the obstructed area. Sprinkler separation from obstructions shall comply with the minimum distances specified in the sprinkler manufacturer's installation instructions, and/or the provisions of NFPA 13.
(Ord. CS-246 § 2, 2014)

17.04.510 Section 903.4 Sprinkler system monitoring and alarms—Amended.
Section 903.4(1) of the California Fire Code is amended to read as follows:

Exception 1—Automatic sprinkler systems with less than 100 fire sprinklers protecting one- and two-family dwellings.
(Ord. CS-246 § 2, 2014)

17.04.520 Section 907.2.11.4 Power sources (smoke alarms)—Amended.
Chapter 9, Section 907.2.11.4 of the California Fire Code is amended to read as follows:

907.2.11.4 Power Source. In new construction and in newly classified Group R-3.1 occupancies, required smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection. Smoke alarms may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings, which undergo alterations, repairs, or additions regulated by Section 907.2.11.5.
(Ord. CS-246 § 2, 2014)

17.04.530 Chapter 10, Section 1004.1.1 Exception—Amended.
Chapter 10 Section 1004.1.1 Exception of the California Fire Code is amended to read as follows:

Exception: Where approved by the Fire Code Official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation shall be permitted to be used in the determination of the design occupant load.
(Ord. CS-246 § 2, 2014)

17.04.540 Chapter 10, Section 1004.2 Increased occupant load—Amended.
Chapter 10, Section 1004.2 of the California Fire Code is amended to read as follows:

1004.2 Increased occupant load. The occupant load permitted in any building, or portion thereof, is permitted to be increased from that number established for the occupancies in Table 1004.1.1, provided that all other requirements of the code are also met based on such modified number and the occupant load does not exceed one occupant per 7 square feet (0.65 m²) of occupied floor space. Where
required by the Fire Code Official, an approved aisle, seating or fixed equipment diagram substantiat-
ing any increase in occupant load shall be submitted. Where required by the Fire Code Official, such
diagram shall be posted.

(Ord. CS-246 § 2, 2014)

17.04.550 Chapter 10, Section 1008.1.9.3.2.2.3 Locks and latches—Amended.
Chapter 10, Section 1008.1.9.3.2.2.3 of the California Fire Code is amended to read as follows:

2.3. The use of the key-operated locking device may be revoked by the Fire Code Official for due
cause.

(Ord. CS-246 § 2, 2014)

17.04.560 Chapter 10, Section 1001.1 Signs, Exception 2—Amended.
Chapter 10, Section 1011.1 Exception 2 of the California Fire Code is amended to read as follows:

Exceptions: 2. Main exterior exit doors or gates that are obviously and clearly identifiable as exits
need not have exit signs where approved by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

17.04.570 Chapter 10, Section 1027.3 Exit discharge location—Amended.
Chapter 10, Section 1027.3 of the California Fire Code is amended to read as follows:

1027.3 Exit discharge location. Exterior balconies, stairways and ramps shall be located at least
10 feet (3048 mm) from adjacent lot lines and from other buildings on the same lot unless the adjacent
building exterior walls and openings are protected in accordance with Section 705 based on fire sepa-
ration distance.

(Ord. CS-246 § 2, 2014)

17.04.580 Section 2301.1.1 Revised scope of Chapter 23, Sections 2305, 2306 and 2310—
Amended.
Chapter 23, Section 2301.1.1 of the California Fire Code is amended to read as follows:

When provisions are made for Class IIIA liquids in Sections 2305, 2306 and 2310, the provisions
shall apply to all Class III liquids.

(Ord. CS-246 § 2, 2014)

17.04.590 Section 2301.7 Alcohol-blended fuel-dispensing operations—Amended.
Chapter 23, Section 2301 of the California Fire Code is amended to add 2301.7 as follows:

The design, fabrication, and installation of 15% or higher alcohol-blended fuel dispensing facilities
shall be designed and equipped with the appropriate level and type of fire protection and suppression
equipment. This shall include protection of the dispensing equipment and fuel dispensing island and
canopy. Any structures not separated by 25 feet or more from the drip line of the fuel dispensing can-
opy shall also be protected to the same extent as the fuel dispensing island and canopy.

(Ord. CS-246 § 2, 2014)

17.04.600 Chapter 32, Section 3203.7 Classification of plastics—Amended.
Chapter 32 of the California Fire Code is amended to read as follows:

3203.7 Classification of plastics. Plastics shall be designated as Group A, B or C in accordance
with Sections 3203.7.1 through 3203.7.4.

(Ord. CS-246 § 2, 2014)
17.04.610  Chapter 32, Table 3206.2 Footnote J—Amended.
Table 3206.2 of the California Fire Code is amended to delete Footnote J of the General Fire Protection and Life Safety Requirements. (Ord. CS-246 § 2, 2014)

17.04.620  Chapter 33, Section 3307 Explosive materials—Amended.
Chapter 33 of the California Fire Code Section 3307 is amended to read as follows:

3307.1 Storage and Handling. Explosive materials (as defined in California Code of Regulations Title 19, Chapter 10, Subchapter 2, Section 1559.5) are prohibited within the City of Carlsbad.

Exception: With approval of the Fire Code Official and the City Engineer, explosives shall be stored, used and handled in accordance with Chapter 33 of the Carlsbad Fire Code (as amended) and applicable City ordinances.

3307.2 Supervision. Blasting operations conducted with approval of the Fire Code Official and the City Engineer shall be supervised by the City Engineer, all activities related to blasting operations shall be in accordance with Chapter 33 of the Carlsbad Fire Code (as amended) and applicable City ordinances.

3307.3 Demolition using explosives. With approval of the Fire Code Official and the City Engineer, demolition using explosives shall be in accordance with Chapter 33 of the Carlsbad Fire Code (as amended) and applicable City ordinances.

(Ord. CS-246 § 2, 2014)

17.04.630  Chapter 33, Section 3318 Construction site fuel modification—Added.
Chapter 33 of the California Fire Code is amended to add Section 3318 to read as follows:

Combustible vegetation fuel modification at construction sites shall be completed to the satisfaction of the Fire Code Official prior to combustible building materials arriving on site and shall be maintained in accordance with Chapter 3, Section 304.

(Ord. CS-246 § 2, 2014)

17.04.640  Chapter 46, Table 4604.18.2 Common path, dead-end and travel distance limits—Amended.
Chapter 46, Section 4604.18.2 Common path, Dead-end and Travel distance limits of the California Fire Code is amended to read as follows:

Change the cell for Occupancy H-5, Dead End Limit—Sprinkled to 50.

(Ord. CS-246 § 2, 2014)

17.04.650  Chapter 50, Section 5001 Hazardous materials—General provisions: Exceptions—Amended.
Chapter 50, Section 5001: Exception 8 of the California Fire Code is amended to read as follows:

Exceptions: 8. Corrosives utilized in personal and household products in the manufacturers’ original consumer packaging in Group M occupancies.

(Ord. CS-246 § 2, 2014)

17.04.660  Chapter 56, Section 5601.1.1 Prohibiting storage of explosives—Added.
Chapter 56, Section 5601.1 California Fire Code is amended to add Section 5601.1.1 that reads as follows:

Storage of explosives (as defined in California Code of Regulations Title 19, Chapter 10, Subchapter 2, Section 1559.5) are prohibited within the City limits.

(Ord. CS-246 § 2, 2014)
Chapter 56, Section 5601.1.2 Prohibiting the possession, sales and use of fireworks—Added.
Chapter 56, Section 5601.1 California Fire Code is amended to add Section 5601.1.2 that reads as follows:

The possession, sale, use and or storage of all types of fireworks are prohibited within the City limits. This includes those fireworks classified as “novelty” fireworks (e.g., Snap Caps and Poppers) by the California State Fire Marshal.

This section does not apply to public fireworks displays permitted by the Fire Code Official conducted by properly licensed persons meeting the requirements of Title 19 California Code of Regulations, Chapter 6—Fireworks.

(Ord. CS-246 § 2, 2014)

Section 5704.2.9.5.1 Prohibited/restricted locations for the storage of flammable and combustible liquids in above-ground tanks—Amended.
Section 5704.2.9.6.1 of the California Fire Code is amended to read as follows:

The storage of Class I and Class II liquids in aboveground tanks located outside of a building is prohibited within the City limits.

Exceptions: Farms, rural areas and construction sites as provided in Section 5706.2 of the 2013 California Fire Code.

With the written approval from the Fire Code Official, Class I and Class II liquids may be stored in aboveground tanks outside of a building in specifically designed approved and listed tanks, having features incorporated into its design which mitigate concerns for exposure to heat, ignition sources and mechanical damage. Tanks must be installed and used in accordance with its listing, and provisions must be made for leak and spill containment. Maximum storage in approved and listed tanks on or at any site shall not exceed 550 gallons (2,079 L) for Class I or 1,100 gallons (4,158 L) for Class II liquids.

The Fire Code Official may disapprove the installation or continued use of such aboveground tanks when, in the Fire Code Official’s opinion, the aboveground tanks presents an unacceptable risk to life, the environment or property. No person or entity shall store Class I or Class II liquids in aboveground storage tanks on residential property. Notwithstanding, the Fire Code Official may allow an increase in the maximum storage volume when it is found that such an increase serves public safety interests.

(Ord. CS-246 § 2, 2014)

Section 5705.2.4 Class I, II, and III Liquids—Amended.
Section 5705.2.4 of the California Fire Code is amended to delete Exception 4 in its entirety. (Ord. CS-246 § 2, 2014)

Section 6104.2 Maximum capacity for storage of liquefied petroleum gas (LPG)—Amended.
Section 6104.2 of the California Fire Code is amended to read as follows:

Within the city limits, the combined aggregate capacity of all LPG-gas storage, on any single parcel, shall not exceed 2,000 gallons (7571L) water capacity.

(Ord. CS-246 § 2, 2014)

Section 6107.5 Securing tanks to ground (LPG)—Amended.
Chapter 61 of the California Fire Code is amended to add Section 6107.5 that reads as follows:

LPG Tanks with a water capacity of 125 gallons (473 L) or larger shall be secured to the ground to prevent the tank from rolling or moving. The method of securing the tank to the ground must meet...
the requirements contained in the 2013 California Fire Code for securing aboveground hazardous materials storage tanks in seismic zone 4. "Wet stamped" engineering documents from a California licensed Professional Engineer are required.

(Ord. CS-246 § 2, 2014)

17.04.720 Appendix B Section B105; Subsection B105.1 Fire-flow requirements for buildings—Amended.
Appendix B, Section B105; Subsection B105.1 Exception: of the California Fire Code is amended to read as follows:

Exception: A reduction in required fire flow of 50%, as approved by the Fire Code Official, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and designed to NFPA 13 or 13-R Standards only. The resulting fire-flow shall not be less than 1,500 gallons per minute (5,678 L/min) for the prescribed duration as specified in Table B105.1.

(Ord. CS-246 § 2, 2014)

17.04.730 Appendix B Section B105; Subsection B105.2 Fire-flow requirements for buildings—Amended.
Appendix B, Section B105; Subsection B105.2, Exception 1: of the California Fire Code is amended to read as follows:

1. A reduction in required fire flow of up to 50%, as approved by the Fire Code Official, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and designed to NFPA 13 Standard only. The resulting fire-flow shall not be less than 1,500 gallons per minute (5,678 L/min) for the prescribed duration as specified in Table B105.1.

(Ord. CS-246 § 2, 2014)

17.04.740 Appendix D Section D106; Subsection D106.1 Multiple-family residential developments—Amended.
Appendix D, Section D106; Subsection D106.1 of the California Fire Code is amended to read as follows:

D 106.1. Projects having more than 24 dwelling units: Multiple-family residential projects having more than 24 dwelling units shall be provided with two separate and approved fire apparatus access roads.

(Ord. CS-246 § 2, 2014)

17.04.750 Appendix D Section D106; Subsection D106.1—Exception multiple-family residential developments—Amended.
Appendix D, Section D106; Subsection D106.1; Exception of the California Fire Code is amended to read as follows:

Exception: Projects having more than 24 dwelling units may have a single approved fire apparatus access road when all buildings, including non-residential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with 903.3.1.1 or 903.3.1.2 and designed to NFPA 13 or 13-R Standards only.

(Ord. CS-246 § 2, 2014)

17.04.760 Appendix D Section D106 Subsection 106.2 Multiple-family residential developments—Amended.
Appendix D, Section D106; Subsection 106.2; of the California Fire Code is amended to read as follows.
Projects having more than 24 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether or not they are equipped with an approved automatic fire sprinkler system.

(Ord. CS-246 § 2, 2014)

17.04.770 Appendix J Section J101 Subsection 101.1.3 Sign shape—Amended.
Appendix J, Section J101; Subsection 101.1.3; of the California Fire Code is amended to read as follows.

The building information sign shall be a shape that is approved by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

17.04.780 Appendix J Section J101 Subsection 101.1.4 Sign size and lettering—Amended.
Appendix J, Section J101; Subsection 101.1.4; of the California Fire Code is amended to read as follows.

1. The width and height of each sign shall be determined by the Fire Code Official.
2. Deleted
3. Deleted
4. All character heights and strokes shall be determined by the Fire Code Official.

(Ord. CS-246 § 2, 2014)

17.04.790 Appendix K Section—Amended.
Section K101: General of the California Fire Code is amended to read as follows.

K101.1 Scope. These regulations shall apply to temporary amusement haunted houses, ghost walks, or similar amusement uses, where decorative materials, theatrical props, or sounds and/or visual effects are present, shall be in accordance with this Appendix.

K101.2 Permits. A place of assembly operational permit shall be required to operate a temporary amusement haunted houses, ghost walks, or similar amusement uses in accordance with Appendix K101.2.

K101.2.1 Permit documents. The permit applicant shall submit construction documents for approval which include as a minimum a dimensioned site plan and floor plan.

- A site plan showing the following:
  1. The proximity of the event building(s) to other structures or hazardous areas.
  2. The path of travel from the event building or area to the public way.
  3. The location of exterior evacuation assembly points.

- A floor plan showing the following:
  1. Dimensions of the area being used (include total square footage, width, and types of exits, aisles, or interior exit pathways, etc.).
  2. The path of travel shall include the layout of any mazes, mirrors or other display items that may confuse the egress paths.
  3. A brief description of what will be depicted in each room or area along the walk or course including the type of special effects to be utilized.
  4. Location of exits, exit signs, and emergency lighting.
  5. Location of electrical panel(s) and light switches.
  6. Identification of what the normal or prior use of the structure(s) being used is (i.e. auditorium, school, church, etc.).
  7. Accessible egress routes.
8. When required, areas of refuge.
9. When required by Section 318.9, fire alarm panel location, manual fire alarm boxes, and horn/strobe locations.
10. Portable fire extinguisher locations.
11. The location and fuel capacity of all generators.

Section K102: Definitions

K102.1 Decorative materials. All materials used for decorative, acoustical or other effect (such as curtains, draperies, fabrics, streamers, and surface coverings) and all other materials utilized for decorative effect (such as batting, cloth, cotton, hay stalks, straw, vines, leaves, trees, moss and similar items), including foam plastics and other materials containing foam plastics.

K102.2 Temporary amusement haunted house. A temporary or permanent building or structure, or portion thereof, usually used during the Halloween season for amusement or entertainment purposes where decorative materials, theatrical props, visual effects or audio effects are utilized to create theatrical environment. A temporary amusement haunted house may be deemed a Special Amusement Building by the Fire Code Official depending on the floor plan layout, lighting or visual distractions used and the effects those elements have on the identifying and accessing the means of egress in the event of a fire or an emergency.

K102.3 Ghost walks. Similar to temporary amusement haunted houses and may include both indoor and outdoor areas used for amusement or entertainment purposes.

K102.4 Temporary. Temporary shall mean amusement or entertainment use of a building or a structure, or portion thereof, at one location for not more than 30 days.

K102.5 Special amusement building. Any temporary or permanent building or portion thereof that is occupied for amusement, entertainment or educational purposes, and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure. See California Building Code Section 411.2.

Section K103—General requirements

K103.01 Jurisdictional building and planning department approval. Approval to operate a temporary amusement haunted house, ghost walk or similar use or to change the approved use of an existing building, or portion thereof, for temporary amusement haunted house or similar use shall be approved by the jurisdictional building official and planning official prior to the Fire Department’s issuance of an operational permit for the event.

K103.1 Allowable structures. Temporary amusement haunted houses, ghost walks, and similar amusement uses which meet the definition of a special amusement building shall only be located in structures that comply with the provisions for Special Amusement Buildings in accordance with the California Building Code.

K103.2 Tents or membrane structures. Tents and membrane structures may be used when in compliance with all applicable requirements of this regulation and when the total floor area of the tent is less than 1,000 square feet and the travel distance to an exit from any location is less than 50 feet.

K103.3 Fire evacuation plans. A fire safety and evacuation plan that complies with Section 404 of the California Fire Code shall be submitted.

K103.4 Staffing. The event shall be adequately staffed by qualified person(s) to control the occupant load and assist patrons in exiting should an evacuation become necessary. Staffing level shall be determined upon review of plans and may be increased at the discretion of the Fire Code Official.
K103.5 Occupant load. Maximum occupant load shall be in accordance with Chapter 10 Table 1004.1.1. A sign stating maximum occupancy shall be posted in a visible location near the entrance. The attendant(s) shall control the flow of patrons so as not to exceed this limit.

K103.6 Exits. Exiting shall be in accordance with Chapter 10 and this Section.
1. Two exits shall be provided from each room with an occupant load of 50 or more. Required exit doors shall swing in the direction of egress.
2. Illuminated exit signs shall be provided at each exit serving an occupant load of 50 or more.
3. Exit doors serving an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware.
4. When tents or membrane structures are approved for use, curtains shall not be allowed to cover the exits.
5. Emergency lighting shall be provided in exit pathways.
6. Exhibits and decorative materials shall not obstruct, confuse, or obscure exits, exit pathways, exit signs, or emergency lights.
7. Additional exit pathway markings, such as low level exit signs and directional exit path markings, may be required.

K103.7 Fire protection. Temporary amusement haunted houses and ghost walks which meet the definition of a special amusement building shall be provided with fire protection systems in accordance with Appendix K103.7.

Exception: When the total floor area of haunted houses or indoor portions of ghost walks are less than 1,000 square feet and the travel distance to an exit is less than 50 feet.

K103.7.1 Fire sprinkler protection. An automatic fire sprinkler system shall be required for temporary amusement haunted houses and indoor portions of ghost walks which meet the definition of a special amusement building. Fire sprinkler systems shall be in accordance with Section 903.

K103.7.2 Fire detection systems. An approved automatic fire detection system shall be provided in accordance with Section 907.2.12 as required for amusement buildings.

K103.7.3 Alarm. Activation of any single smoke detector, the fire sprinkler system, or other automatic fire detection device shall be in accordance with Section 907.2.12.1.

K103.7.4 Emergency voice alarm. Provide an emergency voice/alarm communication system in accordance with the Section 907.2.12.3 as required for amusement buildings.

K103.7.5 Portable fire extinguishers. Fire extinguishers shall have a minimum 2A-10B:C rating. Fire extinguishers shall be properly mounted and shall be visible and accessible at all times. Clearly identify locations with signs or reflective tape. Fire extinguishers shall be located within 50 feet travel distance from anywhere in the building.

K103.8 Electrical. When required, a permit shall be obtained from the local Building Official.

K103.8.1 Extension cords. Extension cords shall be UL listed and shall be appropriate for the intended use.

K103.8.2 Power strips. Only UL listed power strips with overcurrent protection shall be used when the number of outlets provided is inadequate. Power strips shall be plugged directly into the outlet, and shall not be plugged into one another in series.

K103.8.3 String lighting. Manufacturer's installation guidelines shall be followed for the maximum allowable number of string lights that can be connected. When connecting string lights together, the total amperage of all string lights shall be calculated to ensure they do not exceed the amperage for the extension cord and circuit.

K103.8.4 Protection. All extension cords and power strips shall be adequately protected from foot traffic.
K103.8.5 Portable generators. When portable generators are utilized, they shall be diesel fuel type and located a minimum of 20 feet away from all structures.

K103.9 Decorative materials. Interior wall, ceiling, and floor finishes shall be Class A rated in accordance with the California Building Code.

K103.9.1 Flame retardant. All decorative materials shall be both inherently flame retardant and labeled as such, or shall be treated with a listed flame retardant material. If the material is treated by the user, a container and receipt will serve as proof.

K103.9.2 Flame test. Testing shall be done in accordance with Section 803.5 of the California Fire Code as referenced from the California Code of Regulations, Title 19, Division 1, Article 3, Section 3.21(a) and (b). Proof of testing shall be provided.

K103.9.3 Placement of decorative materials. Decorative materials, props and/or performer platforms shall not obstruct, confuse, or obscure exits, exit signs, exit pathways, emergency lighting or any component of fire protection systems and equipment (i.e. fire extinguishers, fire alarm systems, fire sprinklers, etc.) inside or outside the building.

K103.10 Smoke generators. Use of smoke-generating equipment may be restricted if determined to be incompatible with smoke alarm(s). Care and consideration shall be used with respect to smoke generator and smoke alarm locations. Smoke generator and smoke alarm locations shall be approved by the Fire Department.

K103.11 Display of motor vehicles. Display of motor vehicles shall be in accordance with Section 2402.18 of the California Fire Code.

K103.12 Inspections. A fire and life safety inspection shall be conducted by the Fire Department prior to the start of the event.

K103.13 Signs. “NO SMOKING” signs shall be conspicuously posted at the main entrance and throughout the exhibit.

K103.14 Prohibited areas. Inside storage or use of flammable and/or combustible liquids, gases, and solids shall be prohibited. Open flames shall be prohibited.

K103.15 Maintenance. Good housekeeping shall be maintained throughout exhibit and exit pathways, at all times. The means of egress system shall not be obstructed during the event operation.

(Ord. CS-246 § 2, 2014)
Title 18

BUILDING CODES AND REGULATIONS

Chapters:

18.04 Building Code
18.05 Building Permit Moratorium
18.06 Uniform Housing Code
18.07 Unreinforced Masonry Buildings
18.08 Mechanical Code
18.12 Electrical Code
18.16 Plumbing Code
18.17 Swimming Pool and Hot Tub Code
18.18 Solar Energy Code
18.19 Dangerous Building Code
18.20 Residential Code
18.21 Green Building Standards Code
18.24 Moving Buildings
18.30 Energy Conservation Regulations
18.32 Tents
18.40 Dedication and Improvements
18.42 Traffic Impact Fee
18.48 Stormwater Pollution Prevention
18.50 Water Efficient Landscape
Chapter 18.04

BUILDING CODE*

Sections:
18.04.010 Adoption.
18.04.015 Sections 105.1 and 105.2 amended—Permits required.
18.04.020 Section 105.3.1 amended—Building permit issuance.
18.04.025 Building official designated.
18.04.030 Section 105.5 amended—Expiration.
18.04.035 Section 105.3.2 amended—Expiration of plan review.
18.04.040 Section 108.4 amended—Permit fees.
18.04.230 Section 1501 amended—Scope.
18.04.310 Violations.
18.04.315 Certificate of noncompliance.
18.04.330 Street name signs.


18.04.010 Adoption.
The 2013 Edition of the California Building Code, Volumes 1 and 2 hereinafter referred to as “the code,” copyrighted by the California Building Standards Commission, two copies of which are on file in the office of the city clerk for public record and inspection, are hereby adopted by reference as the building code of the City of Carlsbad for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures in the City of Carlsbad, except for changes, additions, deletions and amendments in this chapter, which shall supersede the provisions of said code. (Ord. CS-245 § 2, 2014; Ord. CS-127 § 1, 2011)

18.04.015 Sections 105.1 and 105.2 amended—Permits required.
Sections 105.1 and 105.2 of the California Building Code are amended to read as follows:

105.1 Permits Required. Except as specified in Section 105.2 of this section, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

105.2 Work Exempt from Permit. A building permit shall not be required for the following:
1. One story detached residential accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Playground, gymnastic and similar equipment and structures used for recreation and athletic activities accessory to one and two family dwellings.
3. Fences not over six feet (1,829 mm) high.
4. Non-fixed movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,853 mm) in height.
5. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IDA liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one.
7. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below and are not part of an accessible route.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of group R, Division 3, and Group U occupancies when projecting not more than 54 inches.
11. Prefabricated swimming pools accessory to a Group R Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.
12. Shade cloth structures constructed for nursery or agricultural purposes.
13. Antennas supported on the roof.
14. Electrolier standards, flag poles and antennas not over 35 feet in height above finish grade when fully extended.
15. Repairs which involve only the replacement of component parts or existing work with similar materials only for the purpose of maintenance and which do not aggregate over $1,000.00 in valuation and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements regardless of value:
   a. Painting and decorating
   b. Installation of floor covering.
   c. Cabinet work.
   d. Outside paving.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(Ord. CS-245 § 3, 2014; Ord. CS-127 § 1, 2011)

18.04.020 Section 105.3.1 amended—Building permit issuance.
Section 105.3.1 of the California Building Code is amended to read as follows:

The application, plans and specifications filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other divisions of the City to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this code and other pertinent laws and ordinances and that all applicable fees have been paid, the Building Official shall issue a permit therefore to the applicant. In the case of a new building, all fees required for connection to public water systems and to sewer systems provided by entities other than the City must be paid or a bond posted before a permit is issued.

When the Building Official issues a permit, the Building Official shall endorse in writing or stamp on both sets of plan and specifications, “Approved”. Such approval plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at their own risk without assurance that the permit for the entire building or structure will be granted.
18.04.025  Building official designated. The building official or authorized representative of the city is designated as the person who shall enforce all of the provisions of the California Building Code as amended. (Ord. CS-127 § 1, 2011)

18.04.030  Section 105.5 amended—Expiration. Section 105.5 of the California Building Code is amended to read as follows:

Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 calendar days from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of 180 calendar days, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Building Official within 180 calendar days of the date of permit issuance. Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Building Official within each 180 day period upon the initial commencement of work authorized by such permit.

The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not to exceed 180 days each. The extensions shall be granted in writing and justifiable cause demonstrated.

Before such work can be recommenced, a new permit shall be obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, and provided that no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new permit fee.

Any permittee holding an unexpired permit may apply for an extension of time within which work may commence under that permit when the permittee is unable to commence work within the time period required by this section for good and satisfactory reasons.

The provisions of any sewer allocation system adopted pursuant to Chapter 18.05 of the Municipal Code shall supersede Section 106.4.4 of the California Building Code if the permit is issued pursuant to such system.

(Ord. CS-127 § 1, 2011)

18.04.035  Section 105.3.2 amended—Expiration of plan review. Section 105.3.2 of the California Building Code is amended to read as follows:

Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. CS-127 § 1, 2011)

18.04.040  Section 108.4 amended—Permit fees. Section 108.4 of the California Building Code is amended to read as follows:

PERMIT FEES. The fees for each permit shall be as set forth in the City’s master fee schedule or by a resolution of the City Council.

(Ord. CS-245 § 4, 2014)
18.04.230 Section 1501 amended—Scope.
Section 1501 of the California Building Code is amended to read as follows:

    Roofing assemblies, roof coverings, and roof structures shall be as specified in this Code and as otherwise required by this Chapter.

    Roofing assemblies and roof coverings other than wood shakes and shingles shall be Class A.

    Wood shakes and shingles of any classification are prohibited as a roof covering on all structures and on all replacement roofs.

    Roof coverings shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

    Skylights shall be constructed as required in Chapter 24. For use of plastics in roofs, see Chapter 26. For solar photovoltaic energy collectors located above or upon a roof, see Chapter 6 of the California Fire Code.

(Ord. CS-245 § 5, 2014; Ord. CS-127 § 1, 2011)

18.04.310 Violations.
Any person or corporation who violates any of the provisions of this code or this chapter is guilty of an infraction, except for the fourth and each additional violation of a provision within one year, which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code.

(Ord. CS-127 § 1, 2011)

18.04.315 Certificate of noncompliance.
A. If the building official determines there is a violation of this chapter, it may result in the building official filing, in the office of the county recorder, a certificate of noncompliance. Such certificate shall describe the property, certify noncompliance, and state that the owner or person in control of the property has been notified. If a certificate of noncompliance is filed, and where the permit, inspection, and/or approval required is obtained, the building official shall provide to the property owner a certificate of compliance to file with the county recorder certifying compliance. Until a certificate of compliance has been filed, all applications for grading permits, use permits, major and minor subdivisions, rezones, specific plans, specific plan amendments, general plan amendments, discretionary approvals and building permits may be denied.

B. When the building official or the authorized representative thereof determines that compliance to this chapter is not had, they shall provide written notice, by certified mail return receipt requested, to the owner or person in control of the property. Such notice shall contain: (1) a description of the property; (2) the condition or condition that has caused the noncompliance; (3) a reasonable time limit to bring the property into compliance; (4) the potential to record a certificate of noncompliance; and (5) the right to appeal.

C. Within 10 days from the date of giving of notice, the owner or person in control of the property may file an appeal of the finding of noncompliance to the city council. Such appeal shall be in writing and shall identify the property subject to the certificate of noncompliance. The city council must hear the appeal within 60 days from the filing of the appeal or at such later date as may be agreed to by the appellant. Notice of the hearing date shall be given in writing. The hearing date shall be no sooner than five days from the date when notice of the hearing is given to the appellant and to the building official. The decision of the city council is final.

(Ord. CS-127 § 1, 2011)

18.04.330 Street name signs.
All private and public streets within the city shall have designated street names which shall be identified by signs. The size and type of street signs and the names of streets shall be subject to the approval of the city
planning division, and the police and fire departments. Location and number of signs shall be as required by the city. (Ord. CS-164 § 11, 2011; Ord. CS-127 § 1, 2011)
Chapter 18.05

BUILDING PERMIT MORATORIUM

Sections:
18.05.010 Purpose and intent.
18.05.020 Sewer moratorium.
18.05.030 Sewer allocation system.

18.05.010 Purpose and intent.
A. The city, by contract, owns certain capacity rights in the Encina Water Pollution Control Facility. The city council has received a series of reports indicating that after taking into account the amount of sewer capacity required for building permits in process, governmental projects, certain city contractual obligations, and other matters, the city had reached its capacity rights in the Encina facility. It is not possible for the city to exceed that capacity without violating provisions of federal and state law and its contractual obligations to the other members of the joint facility. Since sewer service, in most cases, is unavailable to serve potential building in the city, the city council has no alternative but to impose a building moratorium until such time as there is some change in the situation. In the absence of such moratorium, buildings could be constructed in the city without adequate provisions for the disposition of sewage which is a situation of considerable danger to the public health, safety and welfare.

B. In the event additional amounts of capacity do become available, it is also the purpose of this chapter to provide authority for the adoption by resolution of a means of allocating that capacity among the competing demands. (Ord. 8073 § 1, 1977)

18.05.020 Sewer moratorium.
Notwithstanding any provisions of this code to the contrary, no building permit shall be issued nor shall any application therefor be accepted in the city except as follows:

A. Building permits for work in that portion of the city within the service territory of the San Marcos or Leucadia County Water Districts shall be processed in accordance with this subsection. The city manager shall monitor the sewage treatment capacity of said districts. If the city manager determines that capacity is available, he or she may authorize the community and economic development director to accept applications for building permits. If the city manager determines that the amount of sewer capacity necessary to service the projects in plan check would exceed the available supply, he or she shall have authority to order that no additional applications be accepted. The city manager shall have authority to lift or reimpose such order as he or she determines appropriate, based on the availability of sewer capacity in such districts. The determinations by the city manager pursuant to this subsection are for the administrative convenience of the city and do not indicate that sewer service will or will not in fact be available for a particular project nor that the building permit will issue. Building permits shall not be issued until the applicant presents a valid sewer connection permit for the project from said district. The community and economic development director shall verify that the sewer permit is valid prior to issuance of the building permit.

B. Building permits may be processed and issued when the city manager determines, pursuant to provisions of this code, that no new sewer connection permit would be necessary in connection with the work. The city manager's determination may be appealed to the city council whose decision shall be final.

C. Structures existing within the city’s sewer service area as of the date of the ordinance codified in this section, being served by septic tanks, may obtain a sewer connection permit if the city’s public health officer certifies that the septic tank has failed and constitutes a health hazard.
D. Permits for construction for the Plaza Camino Real expansion pursuant to the contract between the
Plaza Camino Real, the city and the Carlsbad parking authority dated November 5, 1975, may be proc-
essed and issued.

E. Building permits may be processed and issued for any public project undertaken by the city.

F. Building permits may be processed and issued where this code provides for an alternate method of
sewage disposal.

G. The city council may grant exceptions for projects of other governmental agencies if the city council in
its sole discretion determines that the project is necessary and in the public interest.

H. Building permits may issue for all those projects for which applications for building permits were on file
in the Carlsbad building department as of 5:00 p.m. on April 19, 1977.

I. Building permits may be processed and issued for development within the boundaries of subdivision
CT 74-6.

J. The city council may grant exceptions for certain private projects involving building permits for work
within existing structures where the council in its sole discretion finds that:
1. The building permit is for work to be performed within the exterior walls and roof of an existing
structure;
2. Said structure was constructed pursuant to a building permit issued prior to April 19, 1977;
3. Those portions of the structure for which the building permit would be issued pursuant to this
subsection have not been previously occupied;
4. The purpose of the building permit is to make internal modifications to the structure as necessary
to accommodate occupancy by a first user of the space.

K. The city council may approve the transfer of sewer connection permits from one building site to another
building site in accordance with the provisions of this section. Such a transfer may only be approved if
the council finds that the sewer permit is being transferred to a similar type of structure to be built on a
lot located within the same development as the original lot.

The application for a transfer of a sewer permit pursuant to this section shall constitute an offer by the
developer to surrender the building permit for which the sewer permit was originally issued. Upon city
council approval of the transfer, the original building permit shall be void and of no further force and ef-
fect. If construction has commenced pursuant to the original building permit, such construction shall be
removed and the site restored to the satisfaction of the utilities director.

Notwithstanding the provisions of Section 13.08.080, the transferred sewer permit shall remain valid
and it may be made available for issuance in connection with a new building permit as approved by the
city council as part of the transfer. City council approval of a transfer shall constitute authority on the
part of the city manager to determine that sewer service is available, to issue the new building permit
and to transfer the sewer permit.

Notwithstanding the provisions of Section 13.08.080, a sewer permit transferred pursuant to this sec-
tion shall be void and of no further force or effect unless the building permit is obtained and construc-
tion is commenced within 120 days of the city council’s approval of the transfer. After commencement
of construction, pursuant to the building permit, the validity of the building permit and sewer permit
shall be determined in accordance with Section 13.08.080 and the Uniform Building Code. (Ord. CS-
164 §§ 3, 14, 2011; Ord. NS-676 § 7, 2003; Ord. 1261 § 18, 1983; Ord. 8076 § 1, 1977; Ord. 8075 § 1,
1977; Ord. 8074 § 1, 1977; Ord. 8073 § 1, 1977)

18.05.030 Sewer allocation system.
In the event the city council determines that additional amounts of sewer capacity are available, but which
are not of sufficient quantity to justify lifting the building permit moratorium imposed by this chapter, they
shall have authority to adopt by resolution a system for allocating that capacity. In the event such an alloca-
tion system is adopted, notwithstanding any provisions of this code to the contrary, the processing, issuance, and expiration of building permits and sewer connection permits shall be in accord with such allocation system. (Ord. 8073 § 1, 1977)
Chapter 18.06

UNIFORM HOUSING CODE

Sections:
  18.06.010 Adoption of Uniform Housing Code.
  18.06.020 Building official designated.
  18.06.030 Violations.

18.06.010 Adoption of Uniform Housing Code.
The Uniform Housing Code, 1997 Edition, copyrighted by the International Conference of Building Officials, is adopted by reference as the city housing code. (Ord. NS-477 § 1, 1999; Ord. NS-279 § 1, 1994)

18.06.020 Building official designated.
The building official appointed pursuant to the provisions of Chapter 18.04 is authorized and directed to enforce all the provisions of this chapter. (Ord. NS-279 § 1, 1994)

18.06.030 Violations.
Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth of each additional violation of a provision within one year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. NS-279 § 1, 1994)
Chapter 18.07

UNREINFORCED MASONRY BUILDINGS

Sections:

18.07.010 Title.
18.07.030 Actions by the building official.
18.07.040 Definitions.

18.07.010 Title.
The title of this chapter shall be "Unreinforced Masonry Buildings." (Ord. 198 § 1, 1992)

Chapter 1 of the Appendix, and Sections 108, 109, 201, 203, 204 and 205 in the Uniform Code for Building Conservation, 1991 Edition, published by the International Conference of Building Officials (hereinafter referred to as “code”) is adopted and incorporated by reference as the rules, regulations, technical guidelines and specifications for the purposes of this chapter. A copy of the code is on file in the office of the city clerk. (Ord. 198 § 1, 1992)

18.07.030 Actions by the building official.
Whenever it is determined by the building official of the city or designee that a building falls within the criteria for a potentially hazardous structure, as defined by this chapter, and the structure is not exempted for local conditions as defined by California Health and Safety Code Section 18491.6(b), the building official and designee shall take steps to ensure that the provisions of the code relating to mitigation are carried out as follows:

A. Service of Order. The building official shall, if the property owner elects not to voluntarily participate under subsection (E)(5) of this section, issue an order as provided in this section to the owner of each building within the scope of this chapter. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the latest equalized assessment roll, and upon the person, if any, in apparent charge or control of the building.

Prior to the service of an order a bulletin may be issued to the owner as shown upon the latest equalized assessment roll or to the person in apparent charge or control of a building considered by the building official to be within the scope of the ordinance codified in this chapter. The bulletin may contain information the building official deems appropriate. The bulletin may be issued by mail or in person.

B. Contents of Order. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards as designated in the code. The order shall be accompanied by a copy of subsection E of this section, which sets forth the owner's alternatives and time limits for compliance.

C. Appeal From Order. The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the city council. Such appeal shall be filed with the city clerk within 60 days from the date of service of the order described in this section. Appeals or requests for modifications from any other determinations, orders or actions by the building official may be appealed to the community and economic development director for a determination. In the event the owner is dissatisfied with the decision of the community and economic development director, the owner may appeal the decision to the city council by filing with the city clerk a written notice of appeal within 10 calendar days following the decision of the community and economic development director. The city council shall thereupon set a hearing date for the hearing of such appeal, shall so notify the community and economic development director and the owner, and upon such hearing date or such dates to
which the hearing may be continued, the city council shall finally determine whether or not such requests or modifications from other determinations, orders or actions shall be approved or denied. The decision of the city council shall be final.

D. Recordation of Order. At the time that the building official serves the order, the building official shall also file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter it where compliance with the requirements set forth in this chapter have not been met. If the building is found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by the code as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a notice terminating the status of the subject building as being classified within the scope of this chapter and the code.

E. Compliance Requirements.

1. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in the code, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in the code, the owner shall cause it to be structurally altered to conform to such standards.

2. The owner of a building within the scope of this chapter shall comply with the requirements set forth in subsection (E)(1) of this section by submitting to the building official for review, the following information, within the stated time limits:

   a. Within 270 days after service of the order, a structural analysis, which is subject to approval by the building official, which shall demonstrate that the building meets the minimum requirements of the code; or

   b. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with the code; or

   c. Within 120 days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in Section A110 of the code.

3. After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction within the time limits set forth in Table A-1-G of this subsection. These time limits shall begin to run from the date the order is served in accordance with Section 18.07.030(A), except that the time limit to commence structural alteration shall begin to run from the date the building permit is issued. The building official may order compliance at an earlier date if the owner requests an earlier date in writing.

   Table A-1-G

<table>
<thead>
<tr>
<th>Required Action by Owner</th>
<th>Obtain Building Permit Within</th>
<th>Commence Construction Within</th>
<th>Complete Construction Within</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural alterations or building</td>
<td>1 year(^2)</td>
<td>180 days(^1)</td>
<td>3 years(^2)</td>
</tr>
<tr>
<td>Wall anchors</td>
<td>180 days(^2)</td>
<td>270 days(^2)</td>
<td>1 year(^2)</td>
</tr>
</tbody>
</table>

\(^1\) Measured from date of building permit issuance.
\(^2\) Measured from date of service of order.

4. Owners electing to comply with paragraph (2)(c) of this subsection are also required to comply with paragraph (2)(b) of this subsection and all applicable time limits.

5. The owner of each building may commit to a voluntary program of compliance with the requirements of this chapter. The owner shall then take steps to ensure that the provisions of the code relating to mitigation are carried out as follows:
a. The owner shall notify the building official in writing within 30 days of the effective date of the ordinance codified in this chapter of the owner’s intent to initiate a voluntary compliance program for mitigation of the building. Owners whose buildings are identified as falling within the criteria of this chapter after this period, shall notify the building official within 30 days of receiving notification advising him or her of the condition.

b. The owner shall then, within one year of the notice of intent to the building official, cause a structural analysis of the building to be made.

i. The structural analysis, which is subject to approval by the building official shall demonstrate that the building meets the minimum requirements of the code; or

ii. The structural analysis shall include plans, which are subject to approval by the building official, for the structural alterations of the building to comply with the code; or

iii. The structural analysis shall include plans, which are subject to approval by the building official, for the installation of wall anchors in accordance with the requirements specified in Section A110 of the code.

c. Owners electing to comply with paragraph (5)(b)(iii) of this subsection are also required to comply with paragraph (5)(b)(ii) of this subsection.

d. When the scope of necessary repairs is approved by the building official, the owner shall commit in writing to a schedule for repairs to be agreed upon by both the owner and the building official.

e. The building official may issue an order, as provided in this section, to owners not in compliance with the agreed upon time lines of the owners voluntary program.

F. Historical Buildings. Alterations or repairs to qualified historical buildings, as defined by Section 18955 of the Health and Safety Code of the state and as regulated by the State Historical Building Code (Health and Safety Code Sections 18950 et seq.), as designated on official national, state or local historical registers or inventories shall comply with the California Historical Building Code (California Code of Regulations Title 24, Building Standards Part 8), in addition to this chapter.

G. Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter or with any of the time limits set forth in this section, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order the entire building vacated until such order has been complied with.

H. Replacement of Nonconforming URM Buildings. Notwithstanding Chapter 21.48 of the Carlsbad Municipal Code, if any unreinforced masonry building (URM) which is within the scope of this chapter is determined to be nonconforming according to the development standards set forth in the Carlsbad Municipal Code, such building shall be allowed to be replaced with the same nonconforming use. This shall include building footprint, height, total square footage and on-site parking. (Ord. CS-164 § 14, 2011; Ord. NS-303 § 1, 1995; Ord. 198 § 1, 1992)

18.07.040 Definitions.

“Potentially hazardous building” means any building constructed prior to the adoption of local building codes requiring earthquake resistant design of buildings and constructed of unreinforced masonry wall construction. “Potentially hazardous building” includes all buildings of this type, including, but not limited to, public and private schools, theaters, places of public assembly, apartment buildings, hotels, motels, fire stations, police stations, and buildings housing emergency services, equipment, or supplies, such as government buildings, disaster relief centers, communications facilities, hospitals, blood banks, pharmaceutical supply warehouses, plants, and retail outlets. “Potentially hazardous building” does not include warehouses or similar structures not used for human habitation, except for warehouses or structures housing emergency services equipment or supplies. “Potentially hazardous building” does not in-
clude any building having five living units or less. “Potentially hazardous building” does not include, for purposes of subdivision (a) of Section 8877 of the California Government Code, any building which qualifies as “historical property” as determined by an appropriate governmental agency under Section 37602 of the Health and Safety Code. (Ord. NS-303 § 2, 1995)
Chapter 18.08

MECHANICAL CODE*

Sections:
18.08.010 Adoption.
18.08.020 Building official designated.
18.08.030 Violations.
18.08.040 Certificate of noncompliance.
18.08.050 Permit fees.


18.08.010 Adoption.
The California Mechanical Code 2013 Edition, copyrighted by the International Association of Plumbing and Mechanical Officials, is adopted by reference as the mechanical code of the City of Carlsbad. (Ord. CS-245 § 7, 2014; Ord. CS-128 § 1, 2011)

18.08.020 Building official designated.
The building official or authorized representative of the city is designated as the person who shall enforce all of the provisions of the California Mechanical Codes as amended. (Ord. CS-128 § 1, 2011)

18.08.030 Violations.
Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction, except for the fourth and each additional violation of a provision within one year, which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. CS-128 § 1, 2011)

18.08.040 Certificate of noncompliance.
A. If the building official determines there is a violation of this chapter, it may result in the building official filing, in the office of the county recorder, a certificate of noncompliance. Such certificate shall describe the property, certify noncompliance, and state that the owner or person in control of the property has been so notified. If a certificate of noncompliance is filed, and where the permit, inspection, and/or approval required is obtained, the building official shall file a certificate of compliance with the county recorder certifying compliance. Until a certificate of compliance has been filed, all applications for grading permits, use permits, major and minor subdivisions, rezones, specific plans, specific plan amendments, general plan amendments, discretionary approvals and building permits may be denied.

B. When the building official or the authorized representative thereof determines that compliance to this chapter is not had, they shall provide written notice, by certified mail return receipt requested, to the owner or person in control of the property. Such notice shall contain: (1) a description of the property; (2) the condition or condition that has caused the noncompliance; (3) a reasonable time limit to bring the property into compliance; (4) the potential to record a certificate of noncompliance; and (5) the right to appeal.

C. Within 10 days from the date of giving of notice, the owner or person in control of the property may file an appeal of the finding of noncompliance to the city council. Such appeal shall be in writing and shall identify the property subject to the certificate of noncompliance. The city council must hear the appeal within 60 days from the filing of the appeal or at such later date as may be agreed to by the appellant. Notice of the hearing date shall be given in writing. The hearing date shall be no sooner than five days from the date when notice of the hearing is given to the appellant and to the building official. The decision of the city council is final. (Ord. CS-128 § 1, 2011)
18.08.050  Permit fees.
The fees for each permit shall be as set forth in the city’s master fee schedule or by a resolution of the city council. (Ord. CS-128 § 1, 2011)
Chapter 18.12

ELECTRICAL CODE*

Sections:
18.12.010 Adoption.
18.12.030 Building official designated.
18.12.080 Permits—Required.
18.12.090 Permits—Exceptions.
18.12.100 Permits—Expiration.
18.12.120 Permit—Scope.
18.12.130 Permit—Application.
18.12.215 Temporary meter sets.
18.12.220 Cost of permit.
18.12.225 Violations and penalties.


18.12.010 Adoption.
The California Electrical Code 2013 Edition, copyrighted by the National Fire Protection Association, is adopted by reference as the electrical code for the City of Carlsbad. (Ord. CS-245 § 8, 2014; Ord. CS-129 § 1, 2011)

The provisions of this code shall apply to the installation, repair, operation and maintenance of all electric wiring and electrical apparatus of any nature whatsoever whether inside or outside of any building within the city except as provided otherwise in this code. (Ord. CS-129 § 1, 2011)

18.12.030 Building official designated.
The building official or authorized representative of the city is designated as the person who shall enforce all of the provisions of the California Electrical Code. (Ord. CS-129 § 1, 2011)

18.12.080 Permits—Required.
A. No electric wiring, devices, appliances or equipment shall be installed within or on any building, structure or premises nor shall any alteration without first securing a permit therefor from the building official except as stated in Section 18.12.090.
B. Permits shall be obtained before or at the time work is started, except in cases where emergency or urgent necessity can be shown to exist provided a permit is obtained within 24 hours, exclusive of Saturdays, Sundays, and holidays.
C. A separate permit shall be required for each building or structure which stands alone.
D. Permits for privately-owned conduits or other materials in public places and in and across streets and alleys may be issued only after approval has been granted for the installation by the city engineer. All work shall be done in accordance with law and special regulations applicable thereto.
E. Permits shall only be issued to contractors licensed by the State of California to engage in the business or act in the capacity of a contractor, relating to electrical inspection installation, and to persons holding
a valid master electrician certificate of competency for work performed only on the property of his or her employer, or the owner. (Ord. CS-129 § 1, 2011)

18.12.090 Permits—Exceptions.
A. No permit shall be required for minor repair work such as repairing flush or snap switches, replacing fuses, repairing lamp sockets and receptacles when such work is done in accordance with the provisions of this code.
B. No permit shall be required for the replacement of lamps or the connection of portable appliances to suitable receptacles which have been permanently installed.
C. No permit shall be required for the installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence (not including the control of lighting or appliance circuits) where such wiring, devices, appliances or equipment operate a voltage not exceeding 25 volts between conductors and do not include generating or transforming equipment capable of supplying more than 100 watts of energy.
D. No permit shall be required for the installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for a public service corporation in the operation of signals or the transmission of intelligence.
E. No permit shall be required for the installation of temporary wiring for testing electrical apparatus or equipment. (Ord. CS-129 § 1, 2011)

18.12.100 Permits—Expiration.
A. If the work authorized by a permit is not commenced within 180 days after issuance or if the work authorized by a permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, the permit shall become void.
B. Permits shall expire one year after the date of issuance unless the permit is issued for a longer period of time.
C. Permits for a period longer than one year must be requested at the time of application for the original permit. Said permits will be issued for a period of time determined by the building official to be reasonably necessary to complete the work for which a permit is requested.
D. An expired permit may be renewed upon payment of a fee to cover the unfinished work according to the fee schedule. (Ord. CS-129 § 1, 2011)

18.12.120 Permit—Scope.
The permit when issued shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the written approval of the building official. (Ord. CS-129 § 1, 2011)

18.12.130 Permit—Application.
Application for permit, describing the work to be done, shall be made in writing to the building official. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this code. If it shall be found that the installation as described will in general conform with the requirements of this code, and if the applicant has complied with all of the provisions of this code, a permit for such installation shall be issued; provided however that the issuance of the permit shall not be taken as permission to violate any of the requirements of this code. Application for permits for electrical installations where the service capacity exceeds 200 amperes shall be accompanied by two sets of electrical line drawings and load distribution calculations showing service panel and branch panel capacities and locations service switch and branch switch capacities, conduit and feeder sizes. (Ord. CS-129 § 1, 2011)
18.12.215 Temporary meter sets.
A temporary meter may be set on the permanent electrical service base for testing equipment, for lighting of interiors where outside sources do not light, or for health and safety and protection of persons. Failure to provide and comply with all provisions of this chapter shall constitute grounds for the removal of any or all meters on the project. (Ord. CS-129 § 1, 2011)

18.12.220 Cost of permit.
The fees for each electrical permit shall be as set forth in the city’s master fee schedule or by a resolution of the city council.

Any person who commences any work for which a permit is required by this code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work; provided, however, that this provision shall not apply to emergency work when it has been proven to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee as provided in this section shall be charged. (Ord. CS-129 § 1, 2011)

18.12.225 Violations and penalties.
A. Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth or each additional violation of a provision within one year which shall be a misdemeanor. Penalties of a violation of this chapter shall be designated in Section 1.08.010 of this code.

B. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in these plans and specifications, or from preventing construction operations from being carried on there under when in violation of this code or of any other ordinance, or from revoking any certificate of approval when issued in error. (Ord. CS-129 § 1, 2011)

A. If the building official determines there is a violation of this chapter, it may result in the building official filing, in the office of the county recorder, a certificate of noncompliance. Such certificate shall describe the property, certify noncompliance, and state that the owner or person in control of the property has been so notified. If a certificate of noncompliance is filed, and where the permit, inspection, and/or approval required is obtained, the building official shall file a certificate of compliance with the county recorder certifying compliance. Until a certificate of compliance has been filed, all applications for grading permits, use permits, major and minor subdivisions, rezones, specific plans, specific plan amendments, general plan amendments, discretionary approvals and building permits may be denied.

B. When the building official or the authorized representative thereof determines that compliance to this chapter is not had, they shall provide written notice, by certified mail return receipt requested, to the owner or person in control of the property. Such notice shall contain: (1) a description of the property; (2) the condition or condition that has caused the noncompliance; (3) a reasonable time limit to bring the property into compliance; (4) the potential to record a certificate of noncompliance; and (5) the right to appeal.

C. Within 10 days from the date of giving of notice, the owner or person in control of the property may file an appeal of the finding of noncompliance to the city council. Such appeal shall be in writing and shall identify the property subject to the certificate of noncompliance. The city council must hear the appeal within 60 days from the filing of the appeal or at such later date as may be agreed to by the appellant. Notice of the hearing date shall be given in writing. The hearing date shall be no sooner than five days from the date when notice of the hearing is given to the appellant and to the building official. The decision of the city council is final. (Ord. CS-129 § 1, 2011)
Chapter 18.16

PLUMBING CODE*

Sections:

Article I. General Regulations

18.16.010 Adoption.
The California Plumbing Code, 2013 Edition, copyrighted by the International Association of Plumbing and Mechanical Officials, is adopted by reference as the plumbing code of the City of Carlsbad except for the changes, additions, and amendments set forth in this chapter, which shall supersede such provisions of said code. (Ord. CS-245 § 9, 2014; Ord. CS-130 § 2, 2011)

18.16.030 Building official designated.
The building official or authorized representative of the city is designated as the person who shall enforce the provisions of the California Plumbing Code as amended. (Ord. CS-130 § 2, 2011)

18.16.040 Expiration of permit.
Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced a new permit shall first be obtained, and the fee therefor shall be one-half the amount required for a new permit for such work provided no changes have been made, or will be made, in the original plans and specifications for such work, and provided, further, that such suspension or abandonment has not exceeded one year. Within the overall one-year life of a permit any failure to commence work or any suspension of work caused solely by delay incident to securing approval of a coastal development permit pursuant to Division 20 of the Public Resources Code shall not constitute part of the respective 180-day period presented for expiration of a permit. (Ord. CS-130 § 2, 2011)

18.16.060 Standards for installation and materials.
All installations and materials shall be in conformity with the provisions of this code and with approved standards of safety as to life and property. All installations on any public or private piers or on the tidelands shall be in conformity with the provisions of this code. The disposal of the effluent must meet with the approval of the director of public health. (Ord. CS-130 § 2, 2011)


Article II. Modifications

18.16.120 Section 102.3.1 amended—Violations.
18.16.125 Certificate of noncompliance.
18.16.130 Section 103.4.1 amended—Permit fees.

Section 1622A.0 added—Bypass tees.
Section 1622A.0 is added to the California Plumbing Code to read as follows:

On the effective date of this Ordinance, all new buildings where recycled water will be used for irrigation shall install on the building supply pipe a bypass tee for recycled water cross-connection shut down testing. The bypass tee shall be constructed of copper and the size shall match the building supply pipe size approved for the building. The bypass tee shall be connected to the building supply pipe above ground and before the pressure regulator at a point just before it enters the building. Both end connections to the building supply pipe shall be made using a union. A bronze full port straight ball valve with handle shall be installed on the inlet side of the bypass tee for the building supply pipe, and sized to match the inlet tee. A bronze full port straight ball valve with tee-head and padlock wing shall be installed on the side inlet tee, which shall be threaded with a male hose thread adapter to match the building supply pipe size. The work shall be in conformance with Engineering Standard Drawing W35. All shut down tests using the bypass tee shall be conducted with a backflow prevention device to reduce potential for contamination of the potable water system.

(Ord. CS-130 § 2, 2011)

Article II. Modifications

Section 102.3.1 amended—Violations.
Section 102.3.1 of the California Plumbing Code is amended to read as follows:

Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth or each additional violation of a provision within one year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code.

(Ord. CS-130 § 2, 2011)

Certificate of noncompliance.

A. If the building official determines there is a violation of this chapter, it may result in the building official filing, in the office of the county recorder, a certificate of noncompliance. Such certificate shall describe the property, certify noncompliance, and state that the owner or person in control of the property has been so notified. If a certificate of noncompliance is filed, and where the permit, inspection, and/or approval required is obtained, the building official shall file a certificate of compliance with the county recorder certifying compliance. Until a certificate of compliance has been filed, all applications for grading permits, use permits, major and minor subdivisions, rezones, specific plans, specific plan amendments, general plan amendments, discretionary approvals and building permits may be denied.

B. When the building official or the authorized representative thereof determines that compliance to this chapter is not had, they shall provide written notice, by certified mail return receipt requested, to the owner or person in control of the property. Such notice shall contain: (1) a description of the property; (2) the condition or condition that has caused the noncompliance; (3) a reasonable time limit to bring the property into compliance; (4) the potential to record a certificate of noncompliance; and (5) the right to appeal.

C. Within 10 days from the date of giving of notice, the owner or person in control of the property may file an appeal of the finding of noncompliance to the city council. Such appeal shall be in writing and shall identify the property subject to the certificate of noncompliance. The city council must hear the appeal within 60 days from the filing of the appeal or at such later date as may be agreed to by the appellant. Notice of the hearing date shall be given in writing. The hearing date shall be no sooner than five days from the date when notice of the hearing is given to the appellant and to the building official. The decision of the city council is final. (Ord. CS-130 § 2, 2011)
Section 103.4.1 amended—Permit fees.
Section 103.4.1 of the California Plumbing Code is amended to read as follows:

The fee for each plumbing permit shall be as set forth in the city’s master fee schedule or by resolution of the city council.

(Ord. CS-130 § 2, 2011)
Chapter 18.17

SWIMMING POOL AND HOT TUB CODE

Sections:
18.17.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code.
18.17.020 Building official designated.
18.17.030 Violations.

18.17.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code.
The Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, copyrighted by the International Association of Plumbing and Mechanical Officials, except Section 110.0, Fees, is adopted by reference as the city swimming pool, spa, and hot tub code. (Ord. NS-531 § 1, 2000; Ord. NS-279 § 2, 1994)

18.17.020 Building official designated.
The building official appointed pursuant to the provisions of Chapter 18.04 is designated as the administrative authority and authorized and directed to enforce the provisions of this chapter. (Ord. NS-279 § 2, 1994)

18.17.030 Violations.
Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth and each additional violation of a provision within one year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. NS-279 § 2, 1994)
Chapter 18.18

SOLAR ENERGY CODE*

Sections:
18.18.010 Adoption of the Uniform Solar Energy Code.
18.18.020 Building official designated.
18.18.030 Violations.
18.18.040 Permit fees.


18.18.010 Adoption of the Uniform Solar Energy Code.
The Uniform Solar Energy Code, 2012 Edition, copyrighted by the International Association of Plumbing and Mechanical Officials, is adopted by reference as the solar energy code of the City of Carlsbad. (Ord. CS-245 § 10, 2014; Ord. CS-131 § 1, 2011)

18.18.020 Building official designated.
The building official or authorized representative of the city is designated as the person who shall enforce the provisions of the Uniform Solar Energy Code as amended. (Ord. CS-131 § 1, 2011)

18.18.030 Violations.
Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth and each additional violation of a provision within one year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. CS-131 § 1, 2011)

18.18.040 Permit fees.
The fee for each permit shall be as set forth in the city's master fee schedule or by resolution of the city council. (Ord. CS-131 § 1, 2011)
Chapter 18.19

DANGEROUS BUILDING CODE

Sections:
18.19.010 Adoption of the Uniform Code for the Abatement of Dangerous Buildings.
18.19.020 Building official designated.
18.19.030 Violations.

18.19.010 Adoption of the Uniform Code for the Abatement of Dangerous Buildings.

18.19.020 Building official designated.
The building official appointed pursuant to the provisions of Chapter 18.04 is authorized and directed to enforce all the provisions of this chapter. (Ord. NS-279 § 4, 1994)

18.19.030 Violations.
Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth and each additional violation of a provision within one year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. NS-279 § 4, 1994)
Chapter 18.20

RESIDENTIAL CODE

Sections:
  18.20.010 Adoption.
  18.20.020 Building official designated.
  18.20.030 Permit fees.

18.20.010 Adoption.
The 2013 California Residential Code including Appendix Chapter H, copyrighted by the California Building Standards Commission, is adopted by reference as the Residential Building Code of the City of Carlsbad. (Ord. CS-245 § 11, 2014; Ord. CS-132 § 1, 2011)

18.20.020 Building official designated.
The building official is designated as the person who shall enforce all the provisions of the California Residential Code. (Ord. CS-132 § 1, 2011)

18.20.030 Permit fees.
The fees for each permit shall be as set forth in the city’s master fee schedule or by a resolution of the city council. (Ord. CS-132 § 1, 2011)
Chapter 18.21

GREEN BUILDING STANDARDS CODE

Sections:

18.21.010 Adoption.
18.21.020 Building official designated.
18.21.030 Permit fees.

18.21.010 Adoption.
The 2013 California Green Building Standards Code copyrighted by the California Building Standards Commission, is adopted by reference as the Green Building Standards Code of the City of Carlsbad. (Ord. CS-245 § 12, 2014; CS-133 § 1, 2011)

18.21.020 Building official designated.
The building official is designated as the person who shall enforce all the provisions of the California Green Building Standards Code. (CS-133 § 1, 2011)

18.21.030 Permit fees.
The fees for each permit shall be as set forth in the city’s master fee schedule or by a resolution of the city council. (CS-133 § 1, 2011)
Chapter 18.24

MOVING BUILDINGS

Sections:
18.24.010 Permit required.
18.24.020 Application for permit.
18.24.030 Permit fee.
18.24.040 Granting of permit.
18.24.050 Conditions of permit.
18.24.060 Permit—Appeal from decision of community and economic development director.

18.24.010 Permit required.
No person shall cause any structure to be wrecked or moved along any highway, without first obtaining from the community and economic development director of the city a permit so to do. (Ord. CS-164 § 14, 2011; Ord. NS-176 § 5, 1991; Ord. 1261 § 24, 1983; Ord. 8045 § 1)

18.24.020 Application for permit.
The community and economic development director is authorized and directed to prepare an application form for permission to wreck or move structures which shall contain all questions regarding all aspects of the protection of the general health, safety and welfare of the citizens of the city in regard to such proposed wrecking or moving of structures. (Ord. CS-164 § 14, 2011; Ord. NS-176 § 5, 1991; Ord. 1261 § 24, 1983; Ord. 8045 § 2)

18.24.030 Permit fee.
Every person applying for a permit under this chapter shall pay a permit fee of $10.00 at the time of such application. (Ord. 8045 § 3)

18.24.040 Granting of permit.
In the event of an application to move a structure into the city or to move a structure from one location to another within the city, the community and economic development director shall not issue a permit therefor until such time as the planning commission of the city or in the event of an appeal of the decision of the planning commission, the city council, shall have approved such moving of a structure. Such approval shall be granted or denied or granted subject to conditions so as to promote the general health, safety and welfare of the citizens of the city. (Ord. CS-164 § 14, 2011; Ord. NS-176 § 5, 1991; Ord. 1261 § 24, 1983; Ord. 8051-A § 1, 1969; Ord. 8045 § 3.5)

18.24.050 Conditions of permit.
The community and economic development director shall require as a condition of issuance of a permit hereunder that the applicant provide all necessary protections to the maintenance of the general health, safety and welfare as required by him or her proposed wrecking or moving of structures. The community and economic development director may decline to issue such a permit if the general health, safety and welfare so requires. (Ord. CS-164 § 14, 2011; Ord. NS-176 § 5, 1991; Ord. 1261 § 24, 1983; Ord. 8045 § 4)

18.24.060 Permit—Appeal from decision of community and economic development director.
In the event the community and economic development director declines to issue a permit or the applicant is dissatisfied with the conditions upon which the permit is issued, applicant may appeal the decision of the community and economic development director to the city council by sending to the city a written notice of
appeal within 10 calendar days following the decision of the community and economic development director. The city council shall thereupon set a hearing date for the hearing of such appeal, shall so notify the community and economic development director and the applicant and, upon such hearing date or such dates to which the hearing may be continued, the city council shall finally determine whether or not such permit shall be issued and, if so, upon what conditions. The decision of the city council shall be final. Fees for filing an appeal under this section shall be established by resolution of the city council. (Ord. CS-164 § 14, 2011; Ord. NS-176 §§ 5, 6, 1991; Ord. 1261 § 24, 1983; Ord. 8045 § 5)

By his or her application for a permit according to the provisions of this chapter to wreck or move any structure, every person receiving such a permit agrees that in the event all required conditions are not fulfilled within the time prescribed by the community and economic development director or the city council, the city council may at its sole option, cause the same to be fulfilled, or to wreck and remove the structure, at the owner's expense. (Ord. CS-164 § 14, 2011; Ord. NS-176 § 5, 1991; Ord. 1261 § 24, 1983; Ord. 8045 § 6)
Chapter 18.30

ENERGY CONSERVATION REGULATIONS*

Sections:
18.30.010 Adoption.
18.30.020 Purpose and application.
18.30.030 Building official designated.
18.30.040 Solar alternative design provisions required.
18.30.050 Permit fees.


18.30.010 Adoption.

18.30.020 Purpose and application.
This chapter is intended to decrease dependence upon nonrenewable energy sources by encouraging and in some instances requiring the installation of devices, structures or materials for the conservation of energy on certain structures within the city. The provisions of this chapter are intended to supplement and not supersede other regulations and requirements imposed by this title. (Ord. CS-134 § 1, 2011)

18.30.030 Building official designated.
The building official or authorized representative of the city is designated as the person who shall enforce the provisions of the California Energy Code as amended. (Ord. CS-134 § 1, 2011)

18.30.040 Solar alternative design provisions required.
A. All new residential units shall include provisions specifically designed to allow the later installation of any system which utilizes solar energy as an alternative energy source. No building permit shall be issued unless the piping or conduit and roof penetration details required pursuant to this section are indicated in the building plans. This section shall apply only to those residential dwelling units for which a building permit was applied for after the effective date of the ordinance adopting this chapter.

B. Exception. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the building official that solar energy alternatives are impractical due to shading, building orientation, construction constraints or configuration of the parcel. (Ord. CS-245 § 15, 2014)

18.30.050 Permit fees.
The fees for each permit shall be as set forth in the city’s master fee schedule or by a resolution of the city council. (Ord. CS-134 § 1, 2011)
Chapter 18.32

TENTS

Section:

18.32.010 Erection requirements.

18.32.010 Erection requirements.

No tents may be erected or occupied in the city for the purpose of living or sleeping and no overnight camping shall be permitted within the city, excepting that temporary occupancy permits for tents may be issued by the community and economic development director for youth camping under adult supervision. All buildings used for living or sleeping purposes shall be erected in accordance with the city building code and the city housing act. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 7, 2003; Ord. 1261 § 27, 1983; Ord. 6021 § 1)
Chapter 18.40

DEDICATION AND IMPROVEMENTS

Sections:
18.40.010 Findings, purpose and intent.
18.40.020 Definitions.
18.40.030 Dedications required.
18.40.040 Public improvements required.
18.40.050 Public utility relocations.
18.40.060 Construction of public improvements.
18.40.070 Deferral of improvement requirements.
18.40.080 Appeal.
18.40.090 Conditions of deferral.
18.40.100 Waiver or modification of requirements.
18.40.110 Duty to deny final building permit approval.
18.40.120 Applicability of requirements.

18.40.010 Findings, purpose and intent.
A. The city council finds as follows:
   1. There is a lack of adequate roadway edge treatments, pedestrian facilities and streets in various areas of the city which may be prejudicial and dangerous to the public health, safety, and welfare of the inhabitants of the city.
   2. The lack of improved pedestrian pathways in the city in many instances forces pedestrians, including school children, to walk in the streets and to be subject to the hazards of vehicular traffic.
   3. The lack of improved pedestrian pathways during rainy weather has caused unhealthy conditions resulting from pedestrians walking through mud or water along streets or dirt sidewalks.
   4. Streets and highways of inadequate width and design hinder vehicular movement and constitute a hazard to the safety and health of users.
   5. The lack of curbs, storm drains and other street improvements results in poor drainage and a collection of filth and waste.
   6. The lack of improved streets impedes the operation of fire trucks, police cars and other emergency vehicles as well as the operation of street sweepers and refuse collection vehicles.

B. It is the purpose of the city council in adopting the provisions of this chapter to:
   1. Impose reasonable requirements of dedication and improvements upon persons engaged in the development, construction, reconstruction or remodeling of buildings which tend to result in increased demands upon the existing public rights-of-way and streets and highways in the city thereby increasing the danger to the public health, safety and welfare;
   2. Extend the basic requirements of the Subdivision Map Act by establishing standards and requirements for dedication and improvements in connection with the development of land in which no subdivision is involved;
   3. Alleviate the undesirable situation found to exist in subsection A of this section by spreading the cost of public improvements upon abutting property in an equitable manner and by causing the installation of those improvements required by the city to serve property about to be developed at the time of its development.

C. The city council intends to require, in accordance with the provisions of this chapter, the dedication of portions of the public rights-of-way including streets, highways, alleys and storm drain facilities and the construction of improvements contiguous to the property from the property line to the centerline of the
Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively assigned to them by this section:

“Alley” means a public or private way permanently reserved as a secondary means of access to abutting property.

“Alternative design streets” means any street designated by resolution of the city council as an “alternative design street” subject to the alternative street design approval process used to determine the final improvement standards for the designated street.

“Building” includes any building, structure or dwelling of which the cost price of erecting the same is in excess of the sum of $15,000.00 as determined by building permit valuation.

“Improvements” includes, but is not limited to, sidewalks, gutters, pavement, driveways, curbs, streets, alleys, storm drain facilities, water systems, sanitary sewer systems, street lighting, fire protection installation, undergrounding of utility facilities and pavement transitions.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind. The term “person” also includes any owner, lessee or agent constructing or arranging for the construction, modification, or alteration of a building or dwelling. (Ord. NS-555 § 2, 2000; Ord. 205 § 1, 1992; Ord. 8067 § 1, 1976)

Dedications required.

A. Any person who constructs or causes to be constructed any building in the city shall have provided by means of an irrevocable offer of dedication, grant of easement or other appropriate conveyance, as approved by the city attorney, the rights-of-way necessary for the construction of any street, highway, or alley as shown on the circulation element of the general plan, any applicable specific plans, or as otherwise required by the city engineer in accord with an established street system or plan. Rights-of-way shall also be provided for any improvements to existing facilities including rights-of-way for storm drains or other required public facilities. All rights-of-way shall be accompanied by a title examination report and all liens and encumbrances shall be removed or subordinated to the city’s interests.

B. The dedications or irrevocable offer of dedication required by subsection A of this section shall also apply to any person who enlarges, expands, or causes to be enlarged, or expanded any building in the city if the cost of such work exceeds the sum of $15,000.00 as determined by building permit valuation. Said amount is to be increased annually consistent with International Conference of Building Officials valuation schedule for the appropriate construction type.

C. The dedications required by this chapter shall be made prior to issuance of the building permit for the subject property.

D. Repealed by Ord. 205 § 2. (Ord. CS-085, 2010; Ord. NS-555 § 3, 2000; Ord. 205 § 2, 1992; Ord. 7058 § 3, 1979; Ord. 8067 § 1, 1976)

Public improvements required.

A. Any person who constructs or causes to be constructed any building in the city shall construct all necessary improvements in accordance with city specifications upon the property and along all street frontages adjoining the property upon which such building is constructed unless adequate improvements already exist. In each instance, the city manager shall determine whether or not the necessary improvements exist and are adequate. Each building permit application shall be so endorsed at the time it is issued.
B. The improvements required by subsection A of this section shall also apply to any person who enlarges or expands or causes to be enlarged or expanded any building in the city if the cost of such work exceeds $75,000.00 and increases the size of the building. Such amount is to be increased annually consistent with International Conference of Building Officials valuation scheduled for the appropriate construction type. (Ord. NS-555 § 4, 2000; Ord. NS-518 § 1, 1999; Ord. 205 § 3, 1992; Ord. NS-15 § 1, 1988; Ord. 8067 § 1, 1976)

18.40.050 Public utility relocations.
In the event the city manager determines that the contemplated construction of improvements as required by this chapter in individual cases will necessitate the relocation or alteration of public utility facilities, including but not limited to gas, electricity, telephone and water, he or she may require the person requesting the building permit to produce satisfactory evidence that such person has made arrangements with such public utility company for the relocation or modification of such public utility facilities. (Ord. 8067 § 1, 1976)

18.40.060 Construction of public improvements.
If the city manager determines that public improvements are required, these public improvements shall be designed to city standards and their construction guaranteed by an improvement agreement secured by a bond or cash deposit prior to issuance of a building permit for the subject property. If the building permit is not exercised, the improvement obligation shall terminate and the security shall be returned. The city manager is authorized to execute such agreements on behalf of the city. (Ord. 8067 § 1, 1976)

18.40.070 Deferral of improvement requirements.
Upon written application, the city manager by written order may defer any of the improvements required by this chapter if he or she finds that the public health, safety and welfare of the inhabitants of the city will not be endangered by the deferment of the construction of the improvements and that any one of the following exists:

A. There is a lack of adequate data in regard to the grades, plans or surveys which complicate the construction of the improvements and indicate they should be deferred to a later time.

B. The construction of the improvements is included in an approved or pending assessment district or otherwise guaranteed as provided by city ordinance.

C. Construction of the improvements would be incompatible with the present state of the neighborhood’s development or be impractical or premature because of the condition of the surrounding property.

D. Construction of the improvements would create a hazardous or defective condition.

E. Improvement would be to a street designated by resolution of the city council as an alternative design street and subject to the alternative street design approval process.

F. Improvements are not continuous with existing improvements and construction would be impractical. (Ord. NS-555 § 5, 2000; Ord. 8067 § 1, 1976)

18.40.080 Appeal.
A. The granting or denial of a deferral of improvements pursuant to Section 18.40.070 by the city manager shall, unless appealed to the city council in accordance with Section 1.20.600, become final 10 days after the filing of the city manager’s written decision setting forth the findings in support thereof.

B. The city council shall set the matter for hearing within 30 days and may approve, modify or disapprove the decision of the city manager. (Ord. NS-249 § 1, 1993; Ord. 205 § 4, 1992; Ord. 8067 § 1, 1976)
18.40.090  Conditions of deferral.
Any deferral of improvements pursuant to Section 18.40.070 shall be conditioned on the filing with the city manager of a neighborhood improvement agreement in a form satisfactory to the city attorney which provides that the property owner will construct the improvement at such time as an improvement district or neighborhood improvement program is adopted. The city manager is authorized to execute such agreement on behalf of the city. Such agreement must be received and recorded prior to issuance of a building permit. If the building permit is not exercised, the city manager is authorized to execute a release of agreement for the subject property.

Prior to the recordation of a neighborhood improvement agreement, there shall be paid to the engineering department a fee as set by resolution of the city council for the processing of the agreement. (Ord. NS-555 § 6, 2000; Ord. 205 § 5, 1992; Ord. 7058 § 4, 1979; Ord. 8067 § 1, 1976)

18.40.100  Waiver or modification of requirements.
Upon written application, submitted to the city council and accompanied by a fee as established by resolution of the city council, the city council may by resolution waive or modify the requirements of this chapter if they find that:

A. The street fronting on the subject property has already been improved to the maximum feasible and desirable state, recognizing there are some such streets which may have less than standard improvements when necessary to preserve the character of the neighborhood and to avoid unreasonable interference with such things as trees, walls, yards and open space;

B. The granting of the waiver or modification will not perpetuate a hazardous or defective condition or be otherwise detrimental to the health, safety or welfare of the residents of the city. (Ord. 205 § 6, 1992; Ord. 8067 § 1, 1976)

18.40.110  Duty to deny final building permit approval.
The community and economic development director shall deny final approval and acceptance of a building permit, and shall refuse to allow final public utility connections and occupancy in any building, structure or dwelling unless the city manager determines that all required dedications have been made and that all necessary improvements exist, are constructed, or unless the city manager, pursuant to Section 18.40.070, has determined to defer the installation of such improvements, and the required future improvement agreement and a lien contract has been received and recorded, or unless the requirements of the chapter have been modified or waived pursuant to Section 18.40.100. (Ord. CS-164 § 14, 2011; Ord. NS-676 § 7, 2003; Ord. 1261 § 29, 1983; Ord. 8067 § 1, 1976)

18.40.120  Applicability of requirements.
Requirements of this chapter shall not apply to any buildings, structures, or dwellings for which a building permit has been issued prior to June 3, 1976. (Ord. 8067 § 1, 1976)
18.42.010 Purpose and intent.
A. This chapter imposes a fee to pay for various traffic circulation improvements within the city. The amount of the fee is based on a traffic engineering analysis and has been calculated to be equal to or less than the cost of the circulation improvements. The circulation improvements funded by this fee shall be designated by city council resolution. The city council may modify the designation by amendment to the resolution at any time. It is the city council’s intention to review the designation of circulation improvements and the amount of the fee on an annual basis. In reviewing the improvements and amount of the fee, the city council shall consider, among other things, any changes to the land use designations or intensity of development, changes in the amount of traffic generated or anticipated, inflation and increases in cost of materials and labor.

B. This chapter is necessary to ensure that adequate circulation facilities are available to serve the city in a manner which is consistent with the city’s general plan. Without the circulation improvements which will be funded by this fee the circulation system of the city will be inadequate to serve any further development in the city. (Ord. NS-177 § 1, 1991; Ord. 8107 § 1, 1986)

18.42.020 Definitions.
For the purposes of this chapter, the following words or phrases shall be construed as defined in this section.

"Building permit" means a permit required by and issued pursuant to Chapter 18.04 of this code. "Occupancy permit" means a permit required by and issued pursuant to Chapter 21.60 of this code.

"Circulation improvements" means any street improvement identified by city council resolution, including but not limited to, right-of-way, traffic signals, overcrossings, underpasses, curbs, gutters, sidewalks, pavement, drainage facilities incidental to street improvements, necessary to provide traffic circulation consistent with the city’s general plan. For the purpose of this definition, "street" includes highway or road.

"Project" means on any property subject to this chapter, any new or additional building, structure, or any land use change which increases the number of trips generated by the use of the lot or parcel.

"Property subject to this chapter" means any lot or parcel of land in the city.

"Trip" means an arrival at or a departure from a project by any motor vehicle averaged over a one-day period (12:01 a.m. to 11:59 p.m.) as determined according to Table 18.42.020. In using this table, the square footage of the building, structure or use shall include all interior floor area of a building or structure, and all usable ground area of a use without a structure, except any designated open space area. Where the table establishes traffic generation for a project on the basis of square footage, acreage, or
some other unit, the unit establishing the greatest number of trips shall be utilized. When a project has more than one use the number of trips shall be calculated by adding together all the trips generated by each use. For uses not listed in the table the trips shall be calculated by the transportation director.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Estimated Weekday Vehicle Trip Generation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural (Open space)</td>
<td>2/acre</td>
</tr>
<tr>
<td><strong>Airports</strong></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>12/acre, 100/flight, 70/1,000 sq. ft.</td>
</tr>
<tr>
<td>General aviation</td>
<td>4/acre, 2/flight, 6/based aircraft</td>
</tr>
<tr>
<td>Heliports</td>
<td>100/acre</td>
</tr>
<tr>
<td><strong>Automobile</strong></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>900/site, 600/acre</td>
</tr>
<tr>
<td>Gasoline</td>
<td>750/station, 130/pump</td>
</tr>
<tr>
<td>Sales (Dealer and repair)</td>
<td>40/1,000 sq. ft., 300/acre, 60/service stall</td>
</tr>
<tr>
<td>Auto repair center</td>
<td>20/1,000 sq. ft., 400/acre, 20/service stall</td>
</tr>
<tr>
<td><strong>Banking</strong></td>
<td></td>
</tr>
<tr>
<td>Bank (Walk-in only)</td>
<td>150/1,000 sq. ft., 1,000/acre</td>
</tr>
<tr>
<td>Bank (with drive-through)</td>
<td>200/1,000 sq. ft., 1,500/acre</td>
</tr>
<tr>
<td>Drive-through only</td>
<td>300 (150 one-way)/lane</td>
</tr>
<tr>
<td>Savings and Loans</td>
<td>60/1,000 sq. ft., 600/acre</td>
</tr>
<tr>
<td>Drive-through only</td>
<td>100 (50 one-way)/lane</td>
</tr>
<tr>
<td><strong>Cemeteries</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5/acre</td>
</tr>
<tr>
<td><strong>Church (or Synagogue)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15/1,000 sq. ft., 40/acre (triple rates for Sunday, or days of assembly)</td>
</tr>
<tr>
<td><strong>Commercial/retail centers</strong></td>
<td></td>
</tr>
<tr>
<td>Super regional shopping center (more than 60 acres, more than 600,000 sq. ft., with usually 3+ major stores)</td>
<td>40/1,000 sq. ft., 400/acre</td>
</tr>
<tr>
<td>Regional shopping center (30—60 acres, 300,000—600,000 sq. ft., with usually 2+ major stores)</td>
<td>50/1,000 sq. ft., 500/acre</td>
</tr>
<tr>
<td>Community shopping center (10—30 acres, 100,000—300,000 sq. ft., with usually 1 major store and detached restaurant)</td>
<td>70/1,000 sq. ft., 700/acre</td>
</tr>
<tr>
<td>Neighborhood shopping center (less than 10 acres, less than 100,000 sq. ft., with usually a grocery store and drug store)</td>
<td>120/1,000 sq. ft., 1,200/acre</td>
</tr>
<tr>
<td>Commercial shops (also strip—commercial)</td>
<td>40/1,000 sq. ft., 400/acre</td>
</tr>
<tr>
<td>Grocery store</td>
<td>150/1,000 sq. ft., 2,000/acre</td>
</tr>
<tr>
<td>Convenience market</td>
<td>500/1,000 sq. ft.</td>
</tr>
<tr>
<td>Discount</td>
<td>70/1,000 sq. ft., 700/acre</td>
</tr>
<tr>
<td>Furniture store</td>
<td>6/1,000 sq. ft., 100/acre</td>
</tr>
<tr>
<td>Lumber store</td>
<td>30/1,000 sq. ft., 150acre</td>
</tr>
<tr>
<td>Hardware/paint store</td>
<td>60/1,000 sq. ft., 600/acre</td>
</tr>
<tr>
<td>Garden nursery</td>
<td>40/1,000 sq. ft., 90/acre</td>
</tr>
<tr>
<td>Land Use</td>
<td>Estimated Weekday Vehicle Trip Generation Rate</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
</tr>
<tr>
<td>University (4 years)</td>
<td>2.5/student, 100/acre</td>
</tr>
<tr>
<td>Junior college (2 years)</td>
<td>1.6 student, 80/acre</td>
</tr>
<tr>
<td>High school</td>
<td>1.4 student, 50/acre</td>
</tr>
<tr>
<td>Middle/Junior High</td>
<td>1.0 student, 40/acre</td>
</tr>
<tr>
<td>Elementary</td>
<td>1.4 student, 60/acre</td>
</tr>
<tr>
<td>Day care</td>
<td>3/child, 70/1,000 sq. ft.</td>
</tr>
<tr>
<td><strong>Hospitals</strong></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>20/bed, 20/1,000 sq. ft., 200/acre</td>
</tr>
<tr>
<td>Convalescent/Nursing</td>
<td>3/bed</td>
</tr>
<tr>
<td><strong>Industrial</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial/Business park (commercial included)</td>
<td>16/1,000 sq. ft., 200/acre</td>
</tr>
<tr>
<td>Industrial park (no commercial)</td>
<td>8/1,000 sq. ft., 90/acre</td>
</tr>
<tr>
<td>Industrial park (multiple shifts)</td>
<td>10/1,000 sq. ft., 120/acre</td>
</tr>
<tr>
<td>Manufacturing/Assembly</td>
<td>4/1,000 sq. ft., 60/acre</td>
</tr>
<tr>
<td>Warehousing</td>
<td>5/1,000 sq. ft., 60/acre</td>
</tr>
<tr>
<td>Storage</td>
<td>2/1,000 sq. ft., 0.2/vault, 30/acre</td>
</tr>
<tr>
<td>Science, research and development</td>
<td>8/1,000 sq. ft., 80/acre</td>
</tr>
<tr>
<td><strong>Library</strong></td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>40/1,000 sq. ft., 400/acre</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
<td></td>
</tr>
<tr>
<td>Hotel (with convention facilities/restaurant)</td>
<td>10/room, 300/acre</td>
</tr>
<tr>
<td>Motel</td>
<td>9/room, 200/acre</td>
</tr>
<tr>
<td>Resort hotel</td>
<td>8/room, 100/acre</td>
</tr>
<tr>
<td><strong>Military</strong></td>
<td></td>
</tr>
<tr>
<td>Military</td>
<td>2.5 military and civilian personnel</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td></td>
</tr>
<tr>
<td>Standard commercial office (less than 100,000 sq. ft.)</td>
<td>20/1,000 sq. ft., 300/acre</td>
</tr>
<tr>
<td>Large (high-rise) commercial office (more than 100,000 sq. ft.)</td>
<td>17/1,000 sq. ft., 600/acre</td>
</tr>
<tr>
<td>Standard commercial office (less than 100,000 sq. ft.)</td>
<td>20/1,000 sq. ft., 300/acre</td>
</tr>
<tr>
<td>Corporate office (single user)</td>
<td>10/1,000 sq. ft., 140/acre</td>
</tr>
<tr>
<td>Government office (single user)</td>
<td>30/1,000 sq. ft.</td>
</tr>
<tr>
<td>Post office</td>
<td>150/1,000 sq. ft.</td>
</tr>
<tr>
<td>Department of motor vehicles</td>
<td>180/1,000 sq. ft., 900/acre</td>
</tr>
<tr>
<td>Medical</td>
<td>50/1,000 sq. ft., 500/acre</td>
</tr>
<tr>
<td><strong>Parks</strong></td>
<td></td>
</tr>
<tr>
<td>City (developed)</td>
<td>50/acre</td>
</tr>
<tr>
<td>Regional (undeveloped)</td>
<td>5/acre</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>5/acre</td>
</tr>
<tr>
<td>Amusement (theme)</td>
<td>80/acre, 130/acre (summer only)</td>
</tr>
<tr>
<td>San Diego Zoo</td>
<td>115/acre</td>
</tr>
<tr>
<td>Sea World</td>
<td>80/acre</td>
</tr>
<tr>
<td>Land Use</td>
<td>Estimated Weekday Vehicle Trip Generation Rate</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Beach, ocean or bay</td>
<td>600/1,000 ft. shoreline, 60/acre</td>
</tr>
<tr>
<td>Beach, lake (fresh water)</td>
<td>50/1,000 ft. shoreline, 5/acre</td>
</tr>
<tr>
<td>Bowling center</td>
<td>30/lane, 300/acre</td>
</tr>
<tr>
<td>Campground</td>
<td>4/campsite</td>
</tr>
<tr>
<td>Golf course</td>
<td>8/acre, 600/course</td>
</tr>
<tr>
<td>Marinas</td>
<td>4/berth, 20/acre</td>
</tr>
<tr>
<td>Racquetball/health club</td>
<td>40/1,000 sq. ft., 300/acre, 40/court</td>
</tr>
<tr>
<td>Tennis courts</td>
<td>30/1,000 sq. ft., 30/court</td>
</tr>
<tr>
<td><strong>Sports facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Outdoor stadium</td>
<td>50/acre, 0.2/seat</td>
</tr>
<tr>
<td>Indoor arena</td>
<td>30/acre, 0.1/seat</td>
</tr>
<tr>
<td>Racetrack</td>
<td>40/acre, 0.6/seat</td>
</tr>
<tr>
<td>Theaters (multiplex)</td>
<td>80/1,000 sq. ft., 1.8/seat</td>
</tr>
<tr>
<td><strong>Residential (See Note 1)</strong></td>
<td></td>
</tr>
<tr>
<td>Single-family detached</td>
<td>10/dwelling unit</td>
</tr>
<tr>
<td>Condominium</td>
<td>8/dwelling unit</td>
</tr>
<tr>
<td>Apartments</td>
<td>6/dwelling unit</td>
</tr>
<tr>
<td>Mobile home</td>
<td></td>
</tr>
<tr>
<td>Family</td>
<td>5/dwelling unit, 40/acre</td>
</tr>
<tr>
<td>Adults only</td>
<td>3/dwelling unit, 20/acre</td>
</tr>
<tr>
<td>Retirement community</td>
<td>4/dwelling unit</td>
</tr>
<tr>
<td>Rural estate</td>
<td>12/dwelling unit</td>
</tr>
<tr>
<td>Congregate care facility</td>
<td>2/dwelling unit</td>
</tr>
<tr>
<td><strong>Restaurants (See Note 2)</strong></td>
<td></td>
</tr>
<tr>
<td>Quality</td>
<td>100/1,000 sq. ft., 500/acre</td>
</tr>
<tr>
<td>Sit-down, high turnover</td>
<td>300/1,000 sq. ft., 1,200/acre</td>
</tr>
<tr>
<td>Fast food (with drive-through)</td>
<td>700/1,000 sq. ft., 3,000/acre</td>
</tr>
<tr>
<td><strong>Transportation facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Bus depot</td>
<td>25/1,000 sq. ft.</td>
</tr>
<tr>
<td>Truck terminal</td>
<td>10/1,000 sq. ft., 60/acre</td>
</tr>
<tr>
<td>Waterport</td>
<td>170/berth, 12/acre</td>
</tr>
<tr>
<td>Transit station (rail)</td>
<td>300/acre</td>
</tr>
</tbody>
</table>

**Note 1** As used in this table, “single-family detached,” “condominium” and “apartments” shall be defined consistent with the Institute of Transportation Engineers guidebook “Trip Generation.” “Condominium” is defined as single family ownership units that have at least one other single-family owned unit within the same building structure. “Apartments” are defined as rental dwelling units located within the same building as at least three other dwelling units. Duplexes that are not individual ownership units will be assessed at the “condominium” generation rate.

**Note 2** Square footage of dining area allowed in incidental outdoor dining areas pursuant to Section 21.26.013, and square footage of dining area allowed without any parking requirement in outdoor, sidewalk or curb cafes, as defined by and pursuant to the Carlsbad Village Master Plan and Design Manual and the city council, shall not count towards the generation of trips. However, any combination of outdoor dining area square footage which exceeds the amount of indoor dining area square footage shall count towards the generation of trips.

(Ord. CS-207 § 2, 2013; Ord. CS-164 § 2, 2011; Ord. CS-086, 2010; Ord. NS-177 §§ 2, 3, 1991; Ord. 8107 § 1, 1986)
18.42.030  Prohibition on development.
For any property subject to this chapter, notwithstanding any provision of this code to the contrary, no building permit or occupancy permit for any project shall be issued and no person shall build, use or occupy any project, without first paying the fee established by, or otherwise complying with, this chapter. (Ord. 8107 § 1, 1986)

18.42.040  Requirement for permit issuance.
Prior to the issuance of a building permit or occupancy permit for a project the project owner or developer shall:
A. Provide the transportation director with detailed information regarding the size, siting, types of uses and trips to be generated by the project;
B. Pay the fee established by Section 18.42.050 of this code. (Ord. CS-164 § 2, 2011; Ord. 8107 § 1, 1986)

18.42.050  Fee.
A. A traffic impact fee of $265.00 for each average daily trip generated by a residential project and a traffic impact fee of $106.00 for each average daily trip generated by a commercial or industrial project, pursuant to Section 18.42.020(E), shall be paid by the owner or developer prior to issuance of any building permit or occupancy permit for a project. The traffic impact fee shall be adjusted annually as part of the capital improvement program budget process, by two percent or the annual percentage change in the Caltrans Construction Cost Index (12-month index), whichever is higher.
B. In lieu of payment of all or part of the fee the project owner or developer may offer to construct or fund circulation improvements to the satisfaction of the city council, other than circulation improvements required by any other law, approval or city action. If such offer is accepted by the city council, any amount expended by the project owner or developer shall be credited against the fee. If the offer is rejected the fee shall be paid. The offer shall be made at the time of consideration of any discretionary planning or subdivision permit or approval, or if no such permit or approval is required then before building permit application is filed.
C. The city council shall give a credit toward the fee imposed by this chapter for properties within the boundaries of and subject to taxation by community facilities district number one. The amount of such credit shall be determined by the city council and established by resolution.
D. Notwithstanding subsection A of this section, all traffic impact fees for any residential development that consists of five or more dwelling units and for all new commercial, office, and industrial buildings or building additions shall only be paid prior to building permit issuance, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant. If the applicant chooses to defer the payment of fees to prior to the request for final inspection, then the amount of the fees shall be based on the fees in effect at the time of the request for final inspection.

In the event that the city, for any reason, fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or the property owner. (Ord. CS-271 § III, 2015; Ord. CS-200 § III, 2013; Ord. CS-028 § 1, 2009; Ord. NS-890 §§ 1, 2, 2008; Ord. NS-885 § 1, 2008; Ord. NS-177 § 4, 1991; Ord. NS-158 § 2, 1991; Ord. 8107 § 1, 1986)

18.42.060  Exemption.
Projects by public agencies or entities shall be exempt from the provisions of this chapter. (Ord. 8107 § 1, 1986)
18.42.070 Use of fees.
A. All of the fees collected for a commercial or industrial project shall be allocated to a circulation improvement account and shall be expended only to build or finance circulation improvements serving the city.
B. All of the fees collected for each newly constructed residential unit, excepting the portion defined in subsection C of this section, shall be allocated to a circulation improvement account and shall be expended only to build or finance circulation improvements serving the city.
C. A portion of the fees collected for newly constructed residential housing units, excepting the fees collected for newly constructed housing units constructed for extremely low, very-low, low and moderate income households as defined in California Health and Safety Code Sections 50105, 50106, 50079.5 and 50093, during the 40-year period starting July 1, 2008 shall be allocated to a separate circulation improvement sub account and shall be used to build or finance circulation improvements to the regional arterial system as adopted by the Board of the San Diego Association of Governments. For the year from July 1, 2008 to June 30, 2009, said portion shall equal $2,000.00 per residential housing unit. Said portion shall be adjusted annually as part of the city’s capital improvement program budget process, by two percent or the annual percentage change in the Caltrans Construction Costs Index, (12-month index), whichever is higher. (Ord. NS-890 § 3, 2008; Ord. NS-885 § 2, 2008; Ord. NS-177 § 5, 1991; Ord. 8107 § 1, 1986)

18.42.080 Assessment district.
If an assessment district or special taxing district is established for all or any part of the area subject to this chapter to fund circulation improvements which are or will be funded in whole or in part by the fee established by this chapter, the owner or developer of a project may apply to the city council for a credit against the fee in an amount equal to the assessments or taxes paid. (Ord. 8107 § 1, 1986)

18.42.090 Advance of funds by city.
The city may advance money from any available source or fund for the construction of improvements which would otherwise be paid for from the fees collected pursuant to this chapter and reimburse itself from future fees. (Ord. 8107 § 1, 1986)

18.42.100 Expiration of chapter.
This chapter shall be of no further force and effect when the city council determines the amount of fees which have been collected reaches an amount equal to the cost of the circulation improvements. (Ord. 8107 § 1, 1986)
Chapter 18.48

STORMWATER POLLUTION PREVENTION

Sections:

18.48.010 Purpose and intent.
18.48.020 Definitions.
18.48.030 Prohibition on development.
18.48.040 Requirement for permit issuance.
18.48.050 Duty to deny final building permit approval.

18.48.010 Purpose and intent.
The purpose of this chapter is to ensure the environmental and public health, safety, and general welfare of the residential, commercial, and industrial sectors of the City of Carlsbad by:

A. Prohibiting non-stormwater discharges to the stormwater conveyance system.
B. Eliminating discharges to the stormwater conveyance system from spills, dumping or disposal of materials other than stormwater or permitted or exempted discharges.
C. Reducing pollutants in stormwater discharges, including those pollutants taken up by stormwater as it flows over urban areas (urban runoff), to the maximum extent practicable.
D. Reducing pollutants in stormwater discharges in order to achieve applicable water quality objectives for receiving waters within the City of Carlsbad. (Ord. NS-882 § 1, 2008)

18.48.020 Definitions.
For purposes of this chapter, the definitions for the words, terms or phrases defined in Chapter 15.04 of this code shall be used. (Ord. NS-882 § 1, 2008)

18.48.030 Prohibition on development.
For any property subject to this chapter, notwithstanding any provision of this code to the contrary, no building permit or certificate of occupancy permit for any project shall be issued and no person shall build, use or occupy any project, without first complying with the stormwater protection provisions of Title 15 of this code. (Ord. NS-882 § 1, 2008)

18.48.040 Requirement for permit issuance.
A. Prior to the issuance of a building permit or certificate of occupancy permit for a project, the project owner or developer shall:
   1. Provide the city engineer with a completed stormwater requirements applicability questionnaire in accordance with standard urban stormwater mitigation plan (SUSMP) requirements. If the project is determined by the city engineer to be a priority development project, then the project owner or developer shall:
      a. Prepare and submit a stormwater management plan in conformance with the requirements of the SUSMP and Title 15 of this code;
      b. Enter into a permanent stormwater quality best management practices maintenance agreement or provide an alternate maintenance mechanism as approved by the city engineer.
   2. Agree to comply with stormwater best management practices during construction of the building, structure or dwelling.
B. A city-approved construction SWPPP is required to be submitted prior to building permit issuance in accordance with city standards and Section 15.16.085 of this code for any project which has the poten-
18.48.050 Duty to deny final building permit approval.
The community and economic development director shall deny final approval and acceptance of a building permit, and shall refuse to allow final public utility connection and occupancy in any building, structure or dwelling unless the project owner or developer has complied with all stormwater protection provisions of Title 15 of this code. (Ord. CS-164 § 14, 2011; Ord. NS-882 § 1, 2008)
Chapter 18.50

WATER EFFICIENT LANDSCAPE*

Sections:
18.50.010 Purpose.
18.50.020 Authority.
18.50.030 Incorporation of the landscape manual by reference.
18.50.040 Findings.
18.50.050 Definitions.
18.50.060 Applicability.
18.50.070 Recycled water.
18.50.080 Water waste prevention.
18.50.090 Enforcement.
18.50.100 Fees.


18.50.010 Purpose.
The state legislature determined in the Water Conservation in Landscaping Act (the “Act”), Government Code Sections 65591 et seq., that the state’s water resources are in limited supply. The legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. The general purpose of this chapter is to establish water use standards for landscaping in the City of Carlsbad that implement legislative amendment AB 1881, 2006 Stats Chapter 559 enacting the Act; and the 2006 development landscape design requirements established by the Act. Consistent with the legislature’s findings, the purpose of this chapter is to:

A. Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible;
B. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction;
C. Promote the use, when available, of treated recycled water, for irrigating landscaping;
D. Use water efficiently without waste by setting a maximum applied water allowance (MAWA) as an upper limit for water use and reduce water use for landscaping to the lowest practical amount; and
E. Encourage water users of existing landscapes to use water efficiently and without waste. (Ord. CS-175 § 1, 2012)

18.50.020 Authority.
The city planner or designee, shall administer this chapter. (Ord. CS-175 § 1, 2012)

18.50.030 Incorporation of the landscape manual by reference.
The City of Carlsbad Landscape Manual Policies and Requirements “Landscape Manual” is incorporated by reference into this chapter. Should any provision of the landscape manual conflict with any provision of this chapter, the provisions of this chapter shall control. (Ord. CS-175 § 1, 2012)

18.50.040 Findings.
This chapter implements the Act. The requirements of this chapter reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping. The landscape manual contains the technical procedures related to the planning, design, installation, maintenance and management of water efficient landscapes consistent with the water allowance. The provisions con-
18.50.050 Definitions.
Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

“Building permit” is as defined in Section 18.04.015 of this code.

“Developer” means a person who seeks or receives permits for or who undertakes land development activities who is not a single family homeowner. Developer includes a developer’s partner, associate, employee, consultant, trustee or agent.

“Discretionary permit” means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval or denial.

“ET adjustment factor” (ETAF) means a factor that when applied to reference ETo, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.

“Evapotranspiration” (ETo) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period. “Reference evapotranspiration” means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month, or year and is an estimate of the ETo of a large field of four inches to seven inches tall, cool season turf that is well watered. Reference ETo is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

“Grading permit” means the document issued by the city engineer pursuant to Carlsbad Municipal Code Section 15.16.110.

“Homeowner-provided landscaping” means landscaping installed either by a homeowner or a licensed contractor hired by a homeowner for a single-family residence.

“Landscaped area” means an area with plants, turfgrass and/or other vegetation. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation, provided that the features are integrated into the design of the landscape area and the primary purpose of the features are decorative. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation. The landscaped area refers to the area to be landscaped as part of the work for which the current approval by the city is being sought.

“Landscape Manual” means the manual, approved by city council Resolution No. 2012-060 as amended from time to time, which establishes specific design criteria and guidance to implement the requirements of this chapter.

“Licensed” means licensed by the State of California.

“Maximum applied water allowance” (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF and the reference ETo.

“Public water purveyor” means a public utility, municipal water district, municipal irrigation district or municipality that delivers water to customers.

“Recycled water,” sometimes referred to as reclaimed water, means water obtained from the treatment of domestic water waste which is suitable for direct beneficial use or a controlled use that otherwise would not occur and also meets the highest level in conformance with California Code of Regulations,
Title 22, Division 4, Chapter 3 (use of recycled water for irrigation and for impoundments), currently Section 60304 and Section 60305.

"Turfgrass" means a groundcover surface of mowed grasses such as Bermuda, bluegrass, fescue, rye, St. Augustine, zoysia, and other mowed turfgrasses or hybrid derivatives of such turfgrasses that are typically used for a recreational use. (Ord. CS-175 § 1, 2012)

18.50.060 Applicability.
A. This chapter, together with the landscape manual, shall apply to the following project types which require a landscape plan in conjunction with a building permit, grading permit or a discretionary permit:
   1. New commercial, industrial, institutional, or multi-family residential projects where the total landscaped area for the development is 2,500 square feet or more.
   2. Developer-installed residential and common area landscapes where the total landscaped area for the development is 2,500 square feet or more.
   3. A new single-family residence with homeowner-provided landscaping where the landscaped area is 5,000 square feet or more.
   4. A model home that includes a landscaped area.
   5. A public agency project, including, but not limited to public parks and recreation facilities, maintenance districts, and street medians which contain a landscaped area of 2,500 square feet or more.
   6. A rehabilitated landscape for an existing commercial, industrial, institutional, public agency, or multifamily use where a building permit or discretionary permit is being issued and the applicant is installing or modifying 2,500 square feet or more of landscaping.
B. The following development types are exempt from the requirement for a water efficient landscape worksheet. However, this does not relieve these project types from compliance with all other applicable sections of the landscape manual:
   1. A new single-family residence with homeowner-provided landscaping, where the landscape area is less than 5,000 square feet.
   2. A registered local, state or federal historical site.
   3. An ecological restoration project that does not require a permanent irrigation system.
   4. A mined land reclamation project that does not require a permanent irrigation system.
   5. A botanical garden or arboretum that is open to the public. (Ord. CS-175 § 1, 2012)

18.50.070 Recycled water.
A. A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation when recycled water is available from the water purveyor who supplies water to the property for which the City of Carlsbad issues a permit.
B. This section does not excuse a person or entity which uses recycled water from complying with all state and local laws and regulations related to recycled water use. (Ord. CS-175 § 1, 2012)

18.50.080 Water waste prevention.
A. No person shall use water for irrigation that, where due to runoff, low head drainage, overspray or other similar condition, results in irrigation water that flows onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas.
B. No person whose landscape is subject to a landscape approval pursuant to this chapter shall apply water to the landscape in excess of the MAWA. (Ord. CS-175 § 1, 2012)
18.50.090 Enforcement.
A. The city manager, or designee, shall investigate and enforce this chapter. Any city authorized personnel or enforcement officer may exercise any enforcement powers as set forth in Chapters 1.08 and 1.10 of the Carlsbad Municipal Code.
B. Upon approval of the city council, the city manager, or designee, may delegate to or enter into a contract with a local agency or other person to implement and administer any of the provisions of this chapter on behalf of the city. (Ord. CS-175 § 1, 2012)

18.50.100 Fees.
An applicant for a project subject to this chapter shall include with the application, all fees established by the city council by resolution to cover the city’s cost to review an application, any required landscape documentation package and any other documents that the city staff reviews pursuant to the requirements of this chapter and the landscape manual. (Ord. CS-175 § 1, 2012)
Title 19

ENVIRONMENT

Chapter:

19.04 Environmental Protection Procedures
Chapter 19.04

ENVIRONMENTAL PROTECTION PROCEDURES

Sections:

19.04.010 Purpose.
19.04.030 City planner responsibilities.
19.04.040 Planning commission responsibilities.
19.04.050 City council responsibilities.
19.04.060 Determination of exemption and exception.
19.04.070 Exemption procedures.
19.04.080 Appeal on determinations of exemptions or exceptions.
19.04.090 Initial study.
19.04.100 Mailing of negative declaration on request.
19.04.110 Appeal of negative declaration.
19.04.120 Preparation of environmental impact report.
19.04.130 Requests for additional public review time on the draft environmental document.
19.04.140 Hearing.
19.04.150 Consolidation.
19.04.170 Appeal of environmental impact report.
19.04.180 Mitigation monitoring and reporting programs.
19.04.190 Mailing of notices on request.
19.04.200 Indemnification by applicant.
19.04.210 Enforcement.
19.04.215 Recordation of notices.
19.04.220 Severability.

19.04.010 Purpose.
This chapter is intended to provide for protection and enhancement of the environment within the city by establishing principles, objectives, criteria and procedures for evaluation of the environmental impact of public and private projects and for administering the city’s responsibility under the California Environmental Quality Act, hereinafter referred to as CEQA, and the state CEQA guidelines issued pursuant thereto by the California Resources Agency. The procedures and provisions of this chapter are intended to supplement the CEQA guidelines and to provide additional guidelines for implementing CEQA and evaluating projects in the city. (Ord. NS-593, 2001)

The California Environmental Quality Act (Public Resources Code, Sections 21000 et seq.) and the state CEQA guidelines contained in Title 14, Division 6 of Chapter 3, Section 15000 et seq., of the California Code of Regulations, and as amended from time to time, are adopted by reference as the environmental review regulations for the city except for changes or additions contained in this chapter that shall supplement the provisions of said guidelines. (Ord. NS-593, 2001)

19.04.030 City planner responsibilities.
A. The city planner, or designee, is responsible for the general administration and implementation of this chapter. Whenever any notices, reports or documents are required or permitted to be filed, the city planner shall be responsible for such filing unless otherwise provided in this title. Whenever this chapter or CEQA requires the city to make a determination or perform an act, and the person or body to make the determination or perform the act is not specified, then the city planner shall have that re-
19.04.040 Planning commission responsibilities.

A. For projects for which the planning commission is the final decision-making body, except for the possibility of appeal, it is the responsibility of the planning commission to hold a hearing on and adopt or disapprove adoption of a negative declaration or a mitigated negative declaration or to certify by resolution that an EIR is completed pursuant to CEQA.

B. For projects for which the city council is the final decision-making body, but requiring planning commission review of the project, it is the responsibility of the planning commission to forward the final environmental document to the city council with a recommendation for city council action. (Ord. NS-593, 2001)

19.04.050 City council responsibilities.

Unless the city planner or planning commission is the final decision-making body for a project, it is the responsibility of the city council to hold a hearing on and adopt a negative declaration or mitigated negative declaration or to certify, by resolution, a final EIR for the project. (Ord. NS-593, 2001; Ord. CS-164 § 10, 2011)

19.04.060 Determination of exemption and exception.

The city planner shall determine whether a private or public project is a ministerial project and, if not, whether it is exempted from the requirements of this chapter. The city planner’s determinations of exempt projects made according to this section shall be posted weekly for five business days in conspicuous places accessible to the public as determined by the city planner. The city planner shall also determine whether a private or public project is excepted from the exemptions in the state CEQA guidelines or this title, in which case the applicant will be notified in writing of the city planner’s determination. Any determination may be appealed as provided in Title 21, Chapter 21.54, Section 21.54.140 of this code. (Ord. CS-164 § 10, 2011; Ord. CS-079 § II, 2010; Ord. NS-593, 2001)
19.04.070  Exemption procedures.
A. The following sections implement Section 15300.4 of the CEQA guidelines which require the city to list those specific activities which fall within each of the following exempt classes:

1. Statutory Exemptions. Pursuant to Section 15260, statutory exemptions are those projects that the legislature has determined should be exempted from CEQA and which are found in various state statutes. These include ministerial projects, categorical exemptions and general rule exemptions.

   a. Ministerial Projects. Pursuant to Section 15369 of the CEQA guidelines, ministerial projects are those that involve little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. They involve the use of fixed standards or objective measurements. Projects in the city specifically deemed to be ministerial include all post-approval submittals in substantial conformance with the approval. Post-approval submittals include certified tentative subdivision maps, final maps, grading, landscape and improvement plans, CC&Rs and building plans. Other ministerial projects include final inspections, issuance of licenses, utility service connections and disconnections, city ordered brush clearance of nonsensitive areas in accordance with City of Carlsbad procedures and other similar actions for which no discretion exists that could create or avoid environmental impacts.

   b. Categorical Exemptions. Pursuant to Section 15300 of the CEQA guidelines, categorical exemptions are classes of projects determined not to have a significant effect on the environment which are therefore exempt. No clarifications or additions are necessary to Sections 15260 to 15285 and Sections 15300 to 15332 other than to specify that preliminary design work for capital improvement projects in the city and lot line adjustments (that do not increase density or intensity of use), within prescribed parameters, fall within Class 5, Section 15305 of the guidelines.

   c. General Rule Exemptions. In addition to all other statutory exemptions provided for in the Public Resources Code and state CEQA guidelines including ministerial projects and categorically exempt projects pursuant to Section 15061(b)3 of the CEQA guidelines, general rule exemptions are defined as projects “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The following are specific actions considered not to have a significant effect pursuant to this provision:

   i. Minor zone or municipal code amendments that do not involve physical modifications, lead to physical improvements beyond those typically exempt, or which refine or clarify existing land use standards; and

   ii. Projects that are not specifically listed as categorical or statutory exemptions but exhibit characteristics similar to one or more specific exemptions.

B. Exceptions. Even though a project may otherwise be eligible for an exemption, no exemption shall apply in the following circumstances:

1. Grading and clearing activities affecting sensitive plant or animal habitats, which disturb, fragment or remove such areas as defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 1531 et seq.); sensitive, rare, candidate species of special concern; endangered or threatened biological species or their habitat (specifically including sage scrub habitat for the California Gnatcatcher); or archaeological or cultural resources from either historic or prehistoric periods; or

2. Parcel maps, plot plans and all discretionary development projects otherwise exempt but which affect sensitive, threatened or endangered biological species or their habitat (as defined above), archaeological or cultural resources from either historic or prehistoric periods, wetlands, stream
19.04.080 Appeal on determinations of exemptions or exceptions.
A. The determinations made according to Section 19.04.070 are final unless appealed to the planning commission pursuant to the procedures set forth in Title 21, Chapter 21.54, Section 21.54.140 of this code.
B. Notice of hearing on appeal before the planning commission shall be sent by first class mail to the applicant and to the appellant. (Ord. NS-676 § 9, 2003; Ord. NS-593, 2001)

19.04.090 Initial study.
A. The responsible city department or a private applicant for a city entitlement shall submit to the city planner a completed environmental impact assessment form and supporting environmental studies as an aid in evaluating environmental impacts.
B. The city planner, with assistance from city departments or unit, however titled, shall review each project for which an initial study form has been filed. Such requests for assistance shall be promptly responded to. If the project is not categorically exempt, the city planner shall conduct an initial study to determine if the project may have a significant effect on the environment and determine the appropriate level of environmental review necessary.
C. If it is determined that the project will have no significant impact on the environment, the city planner shall prepare a negative declaration.
D. If identified significant effects on the environment can be mitigated so that the project will have no significant effect on the environment, the city planner may, with the applicant’s agreement, by imposition of appropriate project conditions, agreements or other measures, including but not limited to, revision or redesign of the project, require the mitigation of these effects. A mitigated negative declaration may then be issued for the project provided, however, that no step or element of the project which may have a significant effect on the environment may be satisfied or carried out unless the conditions intended to mitigate that effect have been implemented or assurances have been provided that the condition will be carried out and enforced.
E. Except as otherwise provided in subsection D of this section, if it is determined that a project may have a significant impact on the environment, the city planner shall prepare or cause to be prepared an EIR according to the requirements of CEQA. (Ord. CS-164 § 10, 2011; Ord. CS-079 § III, 2010; Ord. NS-593, 2001)

19.04.100 Mailing of negative declaration on request.
The city planner shall prepare a negative declaration or a mitigated negative declaration when he or she finds, after the required initial study, that the project qualifies for a negative declaration or a mitigated negative declaration under the provisions of CEQA. The declaration shall include a statement stipulating that comments on the environmental document from the public are encouraged. (Ord. CS-164 § 10, 2011; Ord. NS-593, 2001)

19.04.110 Appeal of negative declaration.
A. If the city planner or the planning commission has the authority under this code to approve or deny a project, the decision to adopt, conditionally adopt or disapprove adoption of a negative declaration or a mitigated negative declaration is final unless any interested party files an appeal of the negative declaration, as provided by this code in Title 21, Chapter 21.54, Sections 21.54.140 and 21.54.150.
19.04.120 Notice of the hearing on appeal before either the planning commission or the city council shall be sent by first class mail to the applicant and to the appellant. (Ord. CS-164 § 10, 2011; Ord. NS-676 § 10, 2003; Ord. NS-593, 2001)

19.04.120 Preparation of environmental impact report.
A. If the city planner determines that an environmental impact report is required for a project, the city planner shall immediately send notice of preparation (NOP) to all parties as provided in Public Resources Code Section 21080.4 (PRC) or any successor statute and Sections 15082 and 15375 of the CEQA guidelines. The city planner shall cause the NOP to be sent to all property owners within 600 feet of the perimeter of the subject site. Additionally, the city planner may send the NOP to all persons or organizations that he or she believes may have an interest in the proposed project or related issues. Notice of projects with potential impacts of regional significance shall be sent to adjacent cities. Notice of preparation shall also be given by publishing once in a newspaper of general circulation in the area where the project is located and mailing to all persons who have previously requested such notice. All notices of preparation shall be posted in conspicuous places accessible to the public as determined by the city planner, shall be sent to the city clerk and county clerk to be posted for a period of at least 30 days and shall be sent to the State Clearinghouse when appropriate.
B. The city planner, with the approval of the city manager, may enter into a contract with a private consultant(s) for the preparation of a draft EIR. The cost for such consultant(s) shall be paid in advance of work performed, by the applicant. The applicant shall have no direct contact with the consultant unless approved by the city planner or designee upon advice from the city attorney. The consultant shall not be an employee or affiliate of the applicant.
C. Copies of the draft EIR may be submitted for comment to any agencies and persons that the city planner determines to be necessary. The draft report shall be mailed to the applicant and a copy shall be available to the public in the planning division. A copy shall also be furnished and made available to both public libraries until filing of the notice of determination by the city.
D. At the same time, a notice of completion shall be posted in conspicuous places accessible to the public as determined by the city planner and city clerk.
E. In addition to the notice required by state law, the city planner may require any additional notice deemed necessary for the project and shall assess the cost to the applicant. (Ord. CS-164 §§ 10, 11, 2011; Ord. CS-079 § IV, 2010; Ord. NS-593, 2001)

19.04.130 Requests for additional public review time on the draft environmental document.
The city planner may approve a request from a community group or interested party for an additional review period. The additional time for review shall not extend the time for action beyond that required under law. The failure to allow additional time for review shall not invalidate any discretionary approval based upon the document for which the additional review time was requested. (Ord. CS-164 §§ 10, 11, 2011; Ord. NS-593, 2001)

19.04.140 Hearing.
A negative declaration, mitigated negative declaration or EIR shall be forwarded to the city planner, who shall cause the matter to be set for hearing by the appropriate decision-making body if required. Notice of the hearing shall be given as provided in Section 21.54.060(A) of this code. At the hearing, the planning commission or city council shall hear staff comments on the environmental document and may refer it back to staff for further investigation, information and analysis and/or for the inclusion of additional material if the decision-making body determines such to be necessary for a full and complete determination to be made. The city planner shall supplement the environmental document if any significant points are raised at the hearing which have not previously been addressed. Copies of all environmental documents shall be made available for public review at the planning division. (Ord. CS-164 §§ 10, 11, 2011; Ord. NS-593, 2001)
19.04.150  **Consolidation.**
The planning commission or city council may consolidate a public hearing on a negative declaration, mitigated negative declaration or an EIR with any other public hearing held by the planning commission or city council in regard to the same project. In such a case, the notice required by this chapter may be given in the same manner and at the same time as public notice otherwise required for the project. The planning commission or city council shall review and consider the information contained in the environmental document before taking action on the other aspects of the project before them. (Ord. NS-593, 2001)

19.04.160  **Time limits for preparation of environmental documents.**
In accordance with CEQA, Section 21151.5, completion and adoption of a negative declaration or mitigated negative declaration shall not exceed 180 calendar days from the date the application for proposed development is determined or deemed complete. Completion and certification of an EIR shall not exceed one year from the date that the application is determined or deemed complete.

A. Unreasonable delays by the applicant as determined by the city planner, shall suspend these time periods for the period of such delay.

B. These time periods may be extended in the event that compelling circumstances justify the additional time and the project applicant consents thereto.

C. If any form of an EIR is prepared under contract with a private consultant, such contract shall be executed within 45 days from the date on which the NOP is sent, unless the city planner and applicant mutually agree to an extension of time. (Ord. CS-164 § 10, 2011; Ord. CS-079 § V, 2010; Ord. NS-593, 2001)

19.04.170  **Appeal of environmental impact report.**
A. Any challenge to the adequacy of an EIR certified by the planning commission may be appealed to the city council in accordance with the procedures set forth in Title 21, Chapter 21.54, Section 21.54.150.

B. Notice of the hearing on appeal before the city council shall be sent by first class mail to the applicant and to the appellant. (Ord. NS-676 § 11, 2003; Ord. NS-593, 2001)

19.04.180  **Mitigation monitoring and reporting programs.**
It is the intent of the city to ensure that all required mitigation measures to avoid potentially significant effects are effectively implemented and monitored throughout the project approval, permitting and construction process, as well as the lifespan of the project. In conjunction with the approval of each project, an individual program shall be developed and adopted to ensure that each feature related to the mitigation measures is specifically included as a reference in the conditions of approval, incorporated into the subsequent stages of development review and permitting process and monitored during construction and final inspection, as well as on an ongoing basis. The program may contain remedies to ensure compliance with the ongoing mitigation measures beyond final inspection. (Ord. NS-593, 2001)

19.04.190  **Mailing of notices on request.**
The planning division or the city clerk shall mail copies of all notices of appeal, notices of hearings and other notices resulting from this chapter to any individual or group who files a written request therefor. Such individual or group shall update their request annually. A fee to cover the costs of printing and postage in an amount established by city council resolution shall accompany each such request. (Ord. CS-164 § 11, 2011; Ord. NS-593, 2001)
19.04.200  **Indemnification by applicant.**
The applicant shall be responsible and indemnify the city for any and all costs the city incurs in defending any action alleging noncompliance with CEQA or this chapter, including all costs, expenses and attorneys' fees. (Ord. NS-593, 2001)

19.04.210  **Enforcement.**
A. Except as otherwise provided by law, it is unlawful, and an offense punishable as designated in Title 1, Chapter 1.08 of this code, for any project applicant or permittee to fail to perform any required mitigation measure(s) specified in the mitigation monitoring and reporting program for the project.

B. The city shall also have the right to revoke or modify all approvals granted in relation to the environmental review of the project, deny or further condition issuance of any future building permits and deny, revoke or further condition all certificates of occupancy issued under the authority of the related approval.

C. Violations may be enforced by criminal or civil judicial action, or both, or in combination with any of the administrative remedies enumerated in this code to compel compliance with said conditions or seek damages for their violation. The city planner may record with the county recorder's office a notice against a property which is the subject of an enforcement action pending with the City of Carlsbad. (Ord. CS-164 § 10, 2011; Ord. NS-593, 2001)

19.04.215  **Recordation of notices.**
In order to place the public on notice of adverse environmental conditions which may impact property, recordation of the following notices on title to real property, as amended from time to time by the city attorney, may be required by the city as a condition of approval for land use entitlements; notice concerning odor environmental impacts, notice concerning railroad environmental impacts, notice concerning proximity of the commuter rail transit station, notice concerning aircraft environmental impacts, notice of multi-impacts, notice and waiver concerning odor environmental impacts, notice and waiver concerning railroad environmental impacts, notice and waiver concerning proximity of a planned or existing commuter rail transit station, notice and waiver concerning proximity of the planned or existing transportation corridor(s), notice and waiver concerning aircraft environmental impacts, and notice and waiver concerning multi-impacts. The county recorder shall accept for recordation on title to a real property any of the specified notices, as amended from time to time by the city attorney, provided the notices contain sufficient information and meet all recording requirements. (Ord. CS-182 § 1, 2012)

19.04.220  **Severability.**
If any provision of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter. Each and every provision of this title is severable from remaining provisions. (Ord. NS-593, 2001)
Title 20

SUBDIVISIONS

Chapters:

20.04 General Regulations
20.08 Fees
20.12 Major Subdivisions—Procedure
20.16 Major Subdivisions—Requirements
20.17 Vesting Tentative Maps
20.20 Final Map Requirements
20.22 Environmental Subdivisions
20.24 Minor Subdivisions—Procedure
20.28 Minor Subdivisions—Requirements
20.32 Parcel Map Requirements
20.36 Adjustment Plats
20.40 Reversions to Acreage
20.44 Dedication of Land for Recreational Facilities
20.48 Enforcement—Certificates of Compliance
Chapter 20.04

GENERAL REGULATIONS

Sections:

20.04.010 Title.
This title is adopted to supplement and implement the Subdivision Map Act and may be cited as the subdivision ordinance. (Ord. 9417 § 2, 1975)

20.04.020 Definitions.
Words used in this title that are defined in the Subdivision Map Act but not specifically defined in this chapter shall have the same meaning as is given to them in the Subdivision Map Act. Whenever the following words are used in this title, they shall have the meaning ascribed to them in this section:

“Adjustment plat” means a plat prepared pursuant to Chapter 20.36 of this title and certified by the city engineer as having been approved pursuant to this title and filed in the office of the city engineer.

“Bicycle” means a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

“Bicycle route” means the generic term for all facilities that explicitly provide for bicycle travel by a course which is to be traveled.

“Certificate of compliance” means a document describing a unit or contiguous units of real property and stating that the division thereof complies with applicable provisions of the Subdivision Map Act and city ordinances enacted pursuant thereto.

“City standards” means those standards and specifications, including standard drawings, as may be adopted from time to time by the city engineer. These standards are to be on file in the office of the city clerk and in the engineering department.

“Conditional certificate of compliance” means a document describing a unit or contiguous units of real property and stating that the fulfillment and implementation of the conditions set forth therein are required prior to subsequent issuance of a building or grading permit applicable thereto.
“Development permit” means any permit, entitlement or approval required pursuant to Title 20 or 21 of this code, or pursuant to any applicable master, specific, or redevelopment plan.

“Final map” means a map prepared pursuant to Chapter 20.20 of this title and the Subdivision Map Act which, after approval and recordation, is effective to complete the subdivision of a major subdivision.

“Improvement” means:

1. Such street work and utilities, including ornamental street lights and walkways to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, highways, ways, bicycle routes and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic, drainage, flood control, fire protection and sanitation needs as a condition precedent to the approval of a parcel map or final map;

2. Any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the city council or by a combination thereof, is necessary to ensure conformity to or implementation of the general plan, any specific plan, any applicable local coastal plan or any applicable master plan adopted according to this title.

“Interior lot” shall have the same definition as specified by Section 21.04.230 of this code.

“Major subdivision” means a subdivision of five or more lots.

“Minor subdivision” means a subdivision of four or fewer lots.

“Notice of violation” means a recorded document describing a unit or contiguous units of real property, naming the owners thereof, and describing the manner in which the real property has been divided, or has resulted from a division in violation of the Subdivision Map Act and city ordinances enacted pursuant thereto.

“Parcel map” means a map prepared pursuant to Chapter 20.32 of this title and the Subdivision Map Act which, after approval and recordation, is effective to effect the subdivision of a minor subdivision.

“Street” means a state highway, county or city road or street, public road, street, alley or thoroughfare.

“Subdivider” means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself/herself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not “subdividers.”

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. “Subdivision” includes a condominium project as defined in Section 4100 of the California Civil Code, a community apartment project, as defined in Section 4105 of the California Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 of the California Civil Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

“Tentative map” means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision, and the existing conditions in and around it, filed with the city planner precedent to the preparation and filing of a final map, and may, but need not be, based upon an accurate and detailed final survey of the property.

“Tentative parcel map” means a map prepared for the purpose of showing the design and improvement of a proposed minor subdivision, and the existing conditions in and around it, filed with the city planner for approval or conditional approval prior to the preparation and filing of a parcel map or prior to waiver of the requirement for a parcel map, and may, but need not be, based upon an accurate and detailed final survey of the property.
"Through lot" means a lot having frontage on two parallel or approximately parallel streets.

"Vesting tentative map" means a tentative map for a subdivision which conforms to the requirements of Chapter 20.17 and confers upon the subdivider certain rights established by this title. "Vesting tentative parcel map" means a vesting tentative map prepared in conjunction with a parcel map. (Ord. CS-241 § 1, 2014; Ord. CS-192 § 2, 2012; Ord. CS-155 § 1, 2011; Ord. NS-813 § 1, 2006; Ord. 9830 § 1, 1987; Ord. 9788 § 1, 1985; Ord. 9760 § 5, 1985; Ord. 9626 § 1, 1982; Ord. 9602 § 1, 1981; Ord. 9521 §§ 1, 2, 1979; Ord. 9417 § 2, 1975)

20.04.030 Prohibition.
No person shall create a subdivision except in accordance with the provisions of the Subdivision Map Act and this title. (Ord. 9417 § 2, 1975)

20.04.040 Application of Subdivision Map Act.
A. Except as otherwise expressly provided in this title, all of the provisions of the Subdivision Map Act, which apply to subdivisions as defined in that act and all of the provisions of this title, apply to subdivisions as defined in this title.

B. This title shall be inapplicable to:
   1. The financing or leasing of:
      a. Apartments, offices, stores or similar space within a duplex, multiple dwelling, apartment building, industrial building, commercial building, mobile home park or trailer park;
      b. Any parcel of land or portion thereof in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other provisions of this code regulating design and improvement;
      c. Existing separate commercial or industrial buildings on a single parcel.
   2. The construction, financing or leasing of dwelling units and second dwelling units pursuant to California Government Code Sections 65852.1 and 65852.2, respectively. This title shall be applicable to the sale or transfer of those units.
   3. Mineral, oil or gas leases.
   4. Land dedicated for cemetery purposes under the Health and Safety Code of the state.
   5. A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, provided an adjustment plat pursuant to Chapter 20.36 of this title for the lot line adjustment is approved by the city planner.
   6. Boundary line or exchange agreements to which the state lands commission or a local agency holding a trust grant of tide and submerged lands is a party.
   7. Any separate assessment under Revenue and Taxation Code Section 2188.7.
   8. The conversion of a community apartment project, as defined in Section 4105 of the California Civil Code or a stock cooperative, as defined in Section 4190 of the California Civil Code, to a condominium project, as defined in Section 4125 of the California Civil Code, provided that the requirements of California Government Code Section 66412(g) or (h), respectively, have been met and the subdivider provides certification that the requirements have been met.
   9. The leasing of, or the granting of an easement to, a parcel of land or any part thereof, in conjunction with the financing, erection, and sale or lease of any wind powered electrical generating device on the land, if the project is subject to discretionary action pursuant to this code.
   10. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the
Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action pursuant to this code.

11. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review pursuant to other provisions of this code that regulate design and improvement or, if the project is subject to discretionary action pursuant to this code.

12. The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land, if the project is subject to review pursuant to other provisions of this code regulating design and improvement or if the project is subject to discretionary action pursuant to this code.

13. Leases of agricultural land for agricultural purposes. As used in this subdivision, “agricultural purposes” means the cultivation of food or fiber, or the grazing or pasturing of livestock.

14. Leases of agriculturally zoned land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if all of the following conditions apply:
   a. The property to be leased shall not be more than five acres;
   b. The lease shall be for not less than 30 years;
   c. The lease shall be executed prior to January 1, 2017. (Ord. CS-241 § 2, 2014; Ord. CS-192 § 3, 2012; Ord. NS-813 § 2, 2006; Ord. 9760 § 6, 1985; Ord. 9680 § 1, 1983; Ord. 9626 § 2, 1982; Ord. 9602 § 2, 1981; Ord. 9521 § 3, 1979; Ord. 9417 § 2, 1975)

20.04.050 Extent of regulations.
A. No real property, improved or unimproved, consisting of a single unit or two or more contiguous units and owned by the same person or persons shall be divided into two or more lots, including any lot retained by the owner, except in accordance with the provisions of this title.

B. No parcel may be subdivided if it was illegally created unless, as part of the division, the illegality is eliminated. If such elimination is not possible, a notice of violation with respect to the parcel shall be recorded. In no event shall a subdivision be permitted unless the entire legal parcel is subdivided when the owner of any portion of the illegal parcel is the person who owned the property at the time of the illegal subdivision. (Ord. 9602 § 3, 1981; Ord. 9417 § 2, 1975)

20.04.055 Merger.
A. This title shall not apply to the sale, lease or financing of one or more contiguous parcels or units of land which have been created under the provisions of city ordinances regulating the division of real property and the Subdivision Map Act applicable at the time of their creation, or which were not subject to such provisions at the time of their creation, even though the contiguous parcels or units are held by the same owner; except that if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to permit use or development under the zoning ordinance of the city and the standards established by subsection C of this section, then those parcels or units shall be merged.

B. Any parcels or units created prior to January 1, 1979, pursuant to this title or any predecessor, or which are buildable lots as defined by Section 21.46.210 of the zoning ordinance of the city and which merged pursuant to the Subdivision Map Act and have not been deemed merged pursuant to this sec-
tion or any of its predecessors, are exempted from the merger provisions of this section and those parcels or units shall be deemed unmerged and separate parcels, except that any parcels which merged under the provisions of this title after January 1, 1979 shall remain merged if the provisions of subsection F of this section are met. Further, any parcels or units which do not conform to the standards established by subsection C of this section shall be merged.

C. Contiguous parcels or units of land held by the same owner, on the date that notice of intention to determine status is filed, shall be merged if one of the parcels or units does not conform to the minimum parcel size to permit use or development under Title 21 of this code and if all of the following requirements are satisfied:

1. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel, one or more of the following conditions exists:
   a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
   b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
   c. Does not meet current standards for sewage disposal and domestic water supply;
   d. Does not meet slope stability standards;
   e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
   f. Its development would create health or safety hazards;
   g. Is consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

3. Paragraph 2 of this subsection shall not apply if one of the following conditions exist:
   a. On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.
   b. On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.
   c. On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.
   d. On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.
   e. Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either: (i) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (ii) prior to the adoption of a land use plan,
been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based. For purposes of paragraphs (3)(c) and (d) of this subsection, “mineral resource extraction” means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

D. Whenever the city engineer has knowledge that real property has merged pursuant to this section, the city engineer shall mail by certified mail to the current record owner of the property a notice of intention to determine status. The notice of intention shall state: that the affected parcels may be merged pursuant to this section; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the city engineer to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the county recorder on the date the notice of intention was mailed. Upon receipt of a request for a hearing, the city engineer shall set the hearing for a date not less than 30 days or more than 60 days from the date of receipt of the request. The property owner shall be notified of the hearing by certified mail. After the hearing, the city engineer shall determine whether the affected property has merged pursuant to this section. The decision shall be made and notification of the decision shall be mailed to the property owner within five working days of the date of the hearing. If the parcels have merged, the city engineer shall file a notice of merger with the county recorder within 30 days from the date of the hearing unless the decision has been appealed as provided in subsection E of this section. The notice of merger shall specify the name or names of the record owner or owners and shall particularly describe the real property. If the parcels have not merged, the city engineer shall record a release of the notice of intention within 30 days from the date of the decision, and shall mail a copy of the release to the owner. If no hearing is requested, the decision shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing. A hearing on the determination of status may be postponed or continued upon the mutual consent of the city engineer and the property owner.

E. If the owner requested a hearing, the decision of the city engineer may be appealed to the city council within 10 calendar days of the date of mailing the notice of decision by filing a written appeal with the city clerk. A fee established by city council resolution shall be paid at the time of filing the appeal. Upon receipt of an appeal and payment of the fee, the city clerk shall place the matter on the council agenda not less than 30 nor more than 60 days from the date of the appeal. If after a hearing the council grants the appeal, the city clerk shall record within 30 days with the court recorder a release of the notice of intention. If the appeal is denied, the city clerk shall within 30 days record a notice of merger with the county recorder. A copy of either the release or the notice of merger shall be sent to the owners.

F. For purposes of this section, when determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded. (Ord. NS-813 § 3, 2006; Ord. 9806 § 1, 1986; Ord. 9723 § 1, 1984; Ord. 9602 § 4, 1981; Ord. 9521 § 4, 1979)

20.04.056 Un merger.
Any parcel or unit of land which merged pursuant to the provisions of any law prior to January 1, 1984 but for which a notice of merge was not recorded on or before that date are deemed unmerged, if on January 1, 1984 all of the criteria established by Section 66451.30(a) of the Subdivision Map Act are met, and if none of the conditions of Section 66451.30(b) exist. Upon request of an owner the city engineer shall file a certificate of compliance whenever the engineer determines that a parcel is unmerged pursuant to this section. (Ord. 9723 § 2, 1984)
20.04.057 Request for determination of merger.
A. A property owner may request that the city engineer determine whether property has merged under Section 20.04.055 or are deemed unmerged under Section 20.04.056. A request for determination shall be made in writing and shall be accompanied by a fee established by city council resolution.
B. Upon determination that property has merged, the city engineer shall issue to the owner and record with the county recorder a notice of merger.
C. Upon determination that property is deemed unmerged the city engineer shall issue to the owner and record with the county recorder a certificate of compliance showing each parcel as a separate parcel. (Ord. 9723 § 3, 1984)

20.04.070 Environmental impact review.
A. All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with Title 19 of this code and the rules and procedures adopted by the city council pursuant to the California Environmental Quality Act of 1970. Consequently, unless exempt from CEQA decisions to approve, conditionally approve or deny any tentative map or tentative parcel map shall be subject to the following:
1. Tentative Maps.
   a. Negative Declaration. Upon receipt of a negative declaration with respect to any tentative map, the decision-making authority may proceed to consider the tentative map without an environmental impact report.
   b. Environmental Impact Report. With respect to any tentative map for which an environmental impact report is required, the decision-making authority shall consider such report as independent evidence in determining whether to approve, conditionally approve, or disapprove the tentative map.
2. Tentative Parcel Maps.
   a. Negative Declaration. Upon receipt of a negative declaration with respect to any tentative parcel map, the decision-making authority may proceed to consider the tentative parcel map without an environmental impact report.
   b. Environmental Impact Report. With respect to any tentative parcel map for which an environmental impact report is required, the decision-making authority shall consider such report as independent evidence in determining whether to approve, conditionally approve, or disapprove the tentative parcel map.
B. An application for approval of a subdivision shall not be complete, pursuant to Section 65943 of the California Government Code, until after the environmental review for such subdivision has been accomplished. (Ord. CS-192 § 4, 2012; Ord. 9521 § 6, 1979; Ord. 9417 § 2, 1975)

20.04.080 Soil reports.
A. A preliminary soils report, prepared by a civil engineer registered in this state and based upon adequate test borings, shall be submitted to the appropriate official or body for every subdivision.
B. A preliminary soils report may be waived by the city engineer providing the city engineer finds that, due to the knowledge the city has as to the soils qualities of the soils in the subdivision, no preliminary analysis is necessary.
C. The preliminary soils report may be submitted to the city planner and forwarded to the city engineer for review. The city engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.
D. If the city has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the city engineer.

E. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils investigation of each potentially affected lot in the subdivision may be required.

F. Any soils investigation required pursuant to this section shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists.

G. The decision-making authority may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure. (Ord. CS-192 § 4, 2012; Ord. NS-813 § 4, 2006; Ord. 9602 § 5, 1981; Ord. 9417 § 2, 1975)

20.04.090 Reservations.

A. As a condition of approval of a final or parcel map, the subdivider shall reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses according to the procedural standards and formula contained in this section.

B. If a park, recreational facility, fire station, library or other public facility or use is shown on an adopted specific plan or adopted general plan containing a community facilities element, recreation and parks element or a public building element, the subdivider may be required to reserve sites as so determined by the city in accordance with the definite principles and standards contained in the specific plan or general plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

C. The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.

D. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

E. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate. (Ord. 9417 § 2, 1975)

20.04.100 Corrections and amendments.

A. Corrections and amendments to final and parcel maps may be accomplished as set forth in Sections 66469 through 66472 of the Subdivision Map Act to the extent provided for therein.

B. Changes in any lot line, parcel line or subdivision boundary line may only be accomplished by recording an approved parcel map or adjustment plat to the extent provided for in this title.

C. Any other change to a final or parcel map must be accomplished by processing a new tentative map or tentative parcel map. (Ord. 9521 § 6, 1979)
20.04.110 Security for the payment of taxes and special assessments—Release.
Whenever security is filed with the board of supervisors or the clerk thereof, pursuant to Section 66493 of the Subdivision Map Act, to secure the payment of taxes or special assessments collected as taxes, which are a lien on the property to be subdivided, but not yet payable, the clerk of the board of supervisors, upon notification by the tax collector that the total amount of said taxes or special assessments have been paid in full, may release said security. (Ord. 9521 § 6, 1979)

20.04.120 Designated remainder parcel.
A. When a subdivision, as defined in Section 20.04.020, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Alternatively, the subdivider may omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing.

If the subdivider elects to designate a remainder or omit entirely that portion, the following requirements shall apply:
1. The designated remainder or omitted portion shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.
2. The fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred improvements, shall not be required until a permit or other grant of approval for development of the remainder or omitted parcel is issued. Fulfillment of the construction requirements, including the payment of fees associated with any deferred improvements, within a reasonable time following approval of the final map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel may be required upon a finding by the decision-making authority that fulfillment of the construction requirements is necessary for reasons of:
   a. The public health and safety; or
   b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

B. A designated remainder or any omitted parcel is required to obtain a certificate of compliance or conditional certificate of compliance pursuant to the provisions of Chapter 20.48 of this code prior to any further development or sale of the parcel.

Prior to the issuance of a certificate of compliance or conditional certificate of compliance, the city engineer shall make a determination under Section 20.16.040(H) of this code whether improvements should be required for the designated remainder or omitted parcel. The improvement requirements may be imposed as a condition of the certificate of compliance. For the purposes of this title, a parcel designated as “not a part” shall be deemed to be a designated remainder parcel. (Ord. CS-192 § 5, 2012; Ord. NS-813 § 5, 2006; Ord. 9806 § 2, 1986; Ord. 9549 § 1, 1980)

20.04.130 Consideration of housing needs.
In making decisions pursuant to this title, the decision-making authority shall consider the effect of that decision on the housing needs of the region and balance those needs against the public service needs of its residents and available fiscal and environmental resources. (Ord. CS-192 § 5, 2012; Ord. 9549 § 1, 1980)

20.04.140 Covenants for easement.
A. Whenever under the provisions of Titles 18, 20 or 21 of this code an easement is necessary or required for parking, ingress, egress, emergency access, light and air access, landscaping, drainage, private utilities, sewer/storm drain access or open space purposes, the easement may be created by a covenant pursuant to this section.
B. At the time of recording of the covenant of easement all the property benefited or burdened by the covenant shall be in common ownership. The covenant shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code except that it shall not merge into any other interest in the real property. Section 1104 of the Civil Code shall be applicable to conveyance of the affected real property. The covenant of easement shall describe the real property subject to the easement and the real property benefited by the easement. The covenant of easement shall also identify the approval permit or designation granted which relied upon or required the covenant.

C. A covenant of easement shall be enforceable by the owner of the real property benefited by the covenant, and by the successors in interest to the real property benefited by the covenant. The covenant of easement shall be recorded in the office of the county recorder. Upon recordation, the burdens of the covenant shall be binding upon and the benefits of the covenant shall inure to all successors in interest to the real property.

D. The covenant of easement may be released upon the application of any person upon approval or conditional approval by the city engineer. An application for release of a covenant shall be accompanied by a fee in an amount designated by city council resolution. A request for release of a covenant of easement may be consolidated with any other application for discretionary approval under this code.

E. This section is adopted pursuant to Article 2.7 commencing with Section 65870 of Chapter 4 of Division 1 of Title 7 of the Government Code. (Ord. CS-192 § 5, 2012; Ord. CS-164 § 10, 2011; Ord. NS-813 § 6, 2006; Ord. 9803 § 1, 1986)
Chapter 20.08

FEES

Sections:

20.08.010 Tentative map fee.
20.08.015 Tentative map appeal fee.
20.08.020 Revised tentative map fee.
20.08.030 Tentative map extension fee.
20.08.035 Tentative map litigation stay fee.
20.08.040 Final map fee.
20.08.045 Notice fees.
20.08.050 Improvement plan review and construction inspection fees.
20.08.060 Tentative parcel map fee.
20.08.070 Parcel map fee.
20.08.080 Tentative parcel map extension fee.
20.08.090 Fees for adjustment plats.
20.08.100 Fees for reversion to acreage.
20.08.110 Fees for certificates of compliance.
20.08.120 Streets and lots reserved for future streets excluded from computation.
20.08.130 Drainage and sewer facilities—Payment of fees required.
20.08.140 Bridge crossing and major thoroughfares.

20.08.010 Tentative map fee.
A tentative map examination fee in an amount established by city council resolution shall be paid at the time a tentative map is filed with the city planner. (Ord. CS-192 § 6, 2012; Ord. CS-164 § 11, 2011; Ord. CS-155 § 7, 2011; Ord. NS-676 § 12, 2003; Ord. 9788 § 2, 1986; Ord. 1256 § 12, 1982; Ord. 9568 § 1, 1980; Ord. 9417 § 2, 1975)

20.08.015 Tentative map appeal fee.
A tentative map appeal fee in an amount established by city council resolution shall be paid at the time an appeal is filed with the city planner. (Ord. CS-192 § 6, 2012; Ord. 9602 § 6, 1981)

20.08.020 Revised tentative map fee.
A revised tentative map examination fee in an amount established by city council resolution shall be paid at the time that a revised tentative map is filed with the city planner. An additional fee in an amount established by city council resolution shall be paid for the revision of a vesting tentative map. (Ord. CS-192 § 6, 2012; Ord. CS-164 § 11, 2011; Ord. NS-676 § 12, 2003; Ord. 9788 § 3, 1986; Ord. 1256 § 12, 1982; Ord. 9568 § 1, 1980; Ord. 9417 § 2, 1975)

20.08.030 Tentative map extension fee.
At the time of filing a request for the extension of a tentative map with the city planner, there shall be paid a tentative map extension processing fee equal to one-half of the fee prescribed in Section 20.08.010 for such tentative map. (Ord. CS-192 § 6, 2012; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)

20.08.035 Tentative map litigation stay fee.
At the time of filing a request for a stay with the city planner, there shall be paid a litigation stay processing fee equal to one-quarter of the fee prescribed in Section 20.08.010 for such tentative map. (Ord. CS-192 § 6, 2012; Ord. 9549 § 2, 1980)
20.08.040  Final map fee.
At the time of filing a final map with the city engineer, there shall be paid an examination fee in an amount established by city council resolution. (Ord. CS-192 § 6, 2012; Ord. NS-68 § 11, 1989; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)

20.08.045  Notice fees.
The subdivider shall pay a fee to cover the cost incurred by the city in giving any notice or providing any report required by this title or the Subdivision Map Act. (Ord. 9602 § 7, 1981)

20.08.050  Improvement plan review and construction inspection fees.
All construction and installation of improvements shall be subject to plan review and inspection by the city engineer or other appropriate department, and the subdivider shall arrange for inspection prior to starting construction or installation of the improvements. The cost to the city of examining improvement plans, inspecting improvements and monuments shall be paid by the subdivider in accordance with Section 11.16.145(C). (Ord. CS-135 § 6, 2011; Ord. NS-68 § 12, 1989; Ord. 9681 § 1, 1983; Ord. 9417 § 2, 1975)

20.08.060  Tentative parcel map fee.
At the time of submission of a tentative parcel map, there shall be paid a tentative parcel map examination fee in an amount determined by the city council by resolution. (Ord. CS-192 § 7, 2012; Ord. CS-155 § 8, 2011; Ord. NS-68 § 13, 1989; Ord. 9788 § 4, 1986; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)

20.08.070  Parcel map fee.
At the time of filing of a parcel map the subdivider shall pay a processing fee in an amount determined by the city council by resolution. (Ord. CS-192 § 7, 2012; Ord. NS-68 § 14, 1989; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)

20.08.080  Tentative parcel map extension fee.
At the time of filing a request for the extension of a tentative parcel map with the city planner, there shall be paid a tentative parcel map extension processing fee in an amount determined by the city council by resolution. (Ord. CS-192 § 7, 2012; Ord. NS-68 § 15, 1989; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)

20.08.090  Fees for adjustment plats.
At the time of filing an adjustment plat, there shall be paid an adjustment plat examination fee in an amount determined by the city council by resolution. (Ord. CS-192 § 7, 2012; Ord. NS-68 § 16, 1989; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)

20.08.100  Fees for reversion to acreage.
Petitions to revert property to acreage shall be accompanied by a fee in an amount determined by the city council by resolution. If the proceedings are initiated pursuant to Section 20.40.030, the person or persons who requested the city council to initiate the proceedings shall pay a fee in an amount determined by the city council by resolution. (Ord. NS-68 § 17, 1989; Ord. 9417 § 2, 1975)

20.08.110  Fees for certificates of compliance.
At the time of filing any requests pursuant to this title intended to result in the issuance of a certificate of compliance, there shall be paid a fee in an amount determined by the city council by resolution, to cover the cost of making the required determinations pursuant to such request and the recording of any certificate of compliance resulting therefrom. (Ord. CS-192 § 8, 2012; Ord. NS-68 § 18, 1989; Ord. 7058 § 5, 1979; Ord. 9417 § 2, 1975)
20.08.120 Streets and lots reserved for future streets excluded from computation.
Streets and lots reserved for future streets shall be disregarded in computing the fees and charges imposed by this chapter. (Ord. 9417 § 2, 1975)

20.08.130 Drainage and sewer facilities—Payment of fees required.
Prior to filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and stormwaters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to Section 66483 of the Subdivision Map Act. Payment of the fees for planned local drainage facilities shall conform with the requirements of Chapter 15.08 of this code and shall be paid prior to filing of the final or parcel map or issuance of building permits, whichever occurs first. (Ord. NS-293 § 3, 1994; Ord. 9417 § 2, 1975)

20.08.140 Bridge crossing and major thoroughfares.
A. The purpose of this section is to make provision for assessing and collecting fees as a condition of approval of a final map, parcel map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares pursuant to Section 66484 of the Subdivision Map Act.
B. Whenever the following words are used in this section, they shall have the following meaning:
   1. “Construction” means design, acquisition of right-of-way, administration of construction contracts and actual construction;
   2. “Major thoroughfare” means a roadway as shown on the circulation element of the general plan whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.
C. Whenever this section refers to the circulation element of the general plan or to the transportation or flood control provisions thereof, it shall mean the circulation element of the general plan and the transportation and flood control provisions thereof heretofore adopted by the city pursuant to Chapter 3 of Title 7 of the Government Code, together with any additions or amendments thereto hereafter adopted.
D. Prior to filing a final map or parcel map which includes land within an area of benefit established pursuant to this section, the subdivider shall pay or cause to be paid any fees established and apportioned to said property pursuant to this section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.
E. Prior to the issuance of a building permit for construction on any property within an area of benefit established pursuant to this section, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to subsection D of this section.
F. Notwithstanding the provisions of subsections D and E of this section:
   1. Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of adoption of the boundaries of the area of benefit;
   2. Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area benefit.
G. Prior to establishing an area of benefit, a public hearing shall be held by the city council, at which time the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment, and the fee to be collected, shall be estab-
lished. Notice of the public hearing shall be given pursuant to Section 65091 of the Government Code. In addition to the requirements of Section 65091 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment.

H. At any time not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property to be benefited by the improvement may file a written protest against the proposed bridge facility or major thoroughfare or against the extent of the area to be benefited by the improvements or against both of them. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the city clerk and no other protest or objections shall be considered. Any protests may be withdrawn by the owners making the same, in writing, at any time prior to the conclusion of the public hearing.

I. If there is a written protest filed with the city clerk by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the city council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvements under the provisions of this section.

If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the city council may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the city council within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

J. If the city council finds that a majority protest has not been made, they shall make the determinations required by subsection G of this section and decide whether or not to confirm the area of benefit. The council shall announce its decision by resolution, which shall be recorded with the recorder of the county. There are established fees for the purpose of defraying the actual or estimated cost of constructing the bridge or thoroughfare as described in such resolution as the council may adopt pursuant to this section. Said fees and the area of benefit to which such fees are apportioned shall be established as set forth in said resolution. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof.

K. Notwithstanding the provision of subsection J of this section, payment of such fees shall not be required for:

1. The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land; provided, the total value, as determined by the community and economic development director, of all such alteration, enlargement or construction completed within any one-year period does not exceed one-half of the current market value, as determined by the community and economic development director, of all existing building on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification of occupancy as defined by Section 501 of the Uniform Building Code;
2. The following accessory buildings and structures: private garages, children’s playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings which are accessory to one-family or two-family dwellings.

L. Upon application by the subdivider or applicant for a building permit, the city council may accept consideration in lieu of fees required pursuant to this section, provided:

1. The city council finds upon recommendation of the city manager that the substitute consideration has a value equal to or greater than the fee; and

2. The substitute consideration is in a form acceptable to the city council.

M. The city council shall give a credit against the fees imposed by this section for properties within the boundaries of and subject to taxation by community facilities district number one. The amount of such credit shall be determined by the city council and established by resolution. (Ord. CS-192 § 9, 2012; Ord. NS-813 § 7, 2006; Ord. NS-676 § 13, 2003; Ord. NS-157 § 2, 1991; Ord. 9758 § 4, 1985; Ord. 1261 § 31, 1983; Ord. 9521 § 7, 1979; Ord. 9417 § 2, 1975)
Chapter 20.12

MAJOR SUBDIVISIONS—PROCEDURE

Sections:
20.12.010 Tentative map required.
20.12.015 Application and time limits for processing.
20.12.040 Size of map.
20.12.050 Information on map.
20.12.060 Supplemental information.
20.12.062 Conversion of mobile home parks.
20.12.070 City planner’s duties.
20.12.080 Notices and hearings.
20.12.090 Decision-making authority.
20.12.091 Required findings.
20.12.092 Announcement of decision and findings of fact.
20.12.093 Effective date and appeals.
20.12.100 Expiration of tentative maps.
20.12.110 Extension of tentative map.
20.12.120 Tentative map amendment.
20.12.130 Vesting tentative maps.

20.12.010 Tentative map required.
A. Any person proposing to create a major subdivision shall file a tentative map pursuant to this chapter with the city planner. The city engineer shall not approve a final map unless a tentative map of the subdivision is approved pursuant to this chapter. Prior to filing a tentative map, the subdivider or authorized agent shall confer with the city planner and the city engineer regarding the preparation of the map. A proposed tentative map may not be filed unless it conforms to the requirements of this chapter.

B. Where a parcel map is authorized for a major subdivision pursuant to the Subdivision Map Act or this title, the city engineer shall not approve such map unless a tentative map of the subdivision is approved pursuant to this chapter.

C. Tentative maps shall be prepared and processed in accordance with the Subdivision Map Act and the provisions of this title. The subdivider shall file as many copies of the tentative map or other required information as the city planner may require. (Ord. CS-192 § 11, 2012; Ord. CS-164 § 10, 2011; Ord. NS-676 § 14, 2003; Ord. 1256 §§ 6, 9, 1982; Ord. 9417 § 2, 1975)

20.12.015 Application and time limits for processing.
A. An application for a tentative map may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   1. Be made in writing on a form provided by the city planner;
   2. State fully the circumstances and conditions relied upon as grounds for the application; and
   3. Be accompanied by adequate plans, a legal description of the property involved, data specified by this title and all other materials as specified by the city planner.

B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council.
C. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission and the city council.

D. The city planner shall not accept a tentative map for processing or filing unless the city planner finds that:
   1. The requirements of Title 19 of this code have been met;
   2. The tentative map is consistent with the provisions of Title 21 of this code and that all approvals and permits required by Title 21 for the project have been given or issued.

E. All tentative maps shall be approved, conditionally approved or denied within the time limits specified by this title and the Subdivision Map Act.
   If the decision-making authority does not take action to approve, conditionally approve or deny the tentative map within the time limits specified by this title or the Subdivision Map Act, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable requirements of this code and the Subdivision Map Act.

F. Notwithstanding the provisions of subsections D and E of this section, a tentative map may be processed concurrently with other development permits or approvals required for the project, pursuant to Title 19 or 21 of this code, if the subdivider for the tentative map first waives the time limits for processing, approving or conditionally approving or disapproving the tentative map established by this title or the Subdivision Map Act. Pursuant to the provisions of Chapter 19.04 of this code, a tentative map may be processed but shall not be deemed complete until the environmental documents are completed. (Ord. CS-192 § 11, 2012; Ord. CS-164 § 10, 2011; Ord. NS-676 § 14, 2003; Ord. 9870 § 7, 1985; Ord. 1266 § 4, 1983; Ord. 1256 § 6, 1982; Ord. 9559 § 1, 1980; Ord. 9521 § 8, 1979)

There shall be filed with each tentative map a grading plan showing any grading proposed for the creation of building sites within the subdivision or for construction or installation of improvements to serve the subdivision. The grading plan, together with the original topographical contours, may be shown on the tentative map. This plan shall indicate approximate earthwork volumes of proposed excavation and filling operations. In the event no such grading is proposed, a statement to that effect shall be filed with the tentative map. (Ord. 9417 § 2, 1975)

There shall be filed with each tentative map a current preliminary title report for the property being subdivided. (Ord. 9417 § 2, 1975)

20.12.040 Size of map.
The size of such tentative map is optional; the scale shall not be less than 200 feet to the inch. (Ord. 9417 § 2, 1975)

20.12.050 Information on map.
Each tentative map shall contain the following information:
   A. Name and address of the owner whose property is proposed to be subdivided and the name and address of the subdivider;
   B. Name and address of registered civil engineer, licensed surveyor, landscape architect or land planner who prepared the maps;

(Ord. 9417 § 2, 1975)
C. North point;
D. Scale;
E. Date of preparation;
F. The location, width and proposed names of all streets within the boundaries of the proposed subdivision and approximate grades thereof;
G. Location and width of alleys;
H. Name, location and width of adjacent streets;
I. Lot lines and approximate dimensions and numbers of each lot;
J. Approximate location and width of watercourses or areas subject to inundation from floods, and location of structures, irrigation ditches and other permanent physical features;
K. Approximate contours at two-foot intervals;
L. Approximate location of existing buildings and permanent structures;
M. Location of all major vegetation, showing size and type;
N. Legal description of the exterior boundaries of the subdivisions;
O. Width and location of all existing or proposed public or private easements;
P. Classification of lots as to intended residential, commercial, industrial or other uses;
Q. Location of railroads;
R. Approximate radii of curves;
S. Proposed name and city tract number of the subdivision;
T. Any proposed phasing by units;
U. Number of units to be constructed when a condominium or community apartment project is involved. (Ord. 9417 § 2, 1975)

20.12.060   Supplemental information.
The tentative map shall show thereon, or be accompanied by reports and written statements from the subdivider giving essential information regarding the following matters:
A. Source of water supply;
B. Type of street improvement and utilities which the subdivider proposes to install;
C. Proposed method of sewage disposal including location of facilities;
D. Proposed stormwater sewer or other means of drainage, including the location of such facilities;
E. Protective covenants to be recorded;
F. Proposed tree planting. (Ord. 9417 § 2, 1975)

20.12.062   Conversion of mobile home parks.
A. At the time of filing a tentative map for a subdivision to be created from the conversion of a mobile home park to another use, the subdivider shall also file a report specified by Section 66427.4 of the Government Code.
B. If the provisions of Chapter 21.37 apply to the mobile home park, the report specified in subsection A of this section shall include the report specified by Section 21.37.110(b)(3) of this code.
C. In determining the impact of the conversion on displaced mobile home park residents, the report shall address the availability of adequate replacement space in mobile home parks. The subdivider shall make a copy of the report available to each resident of the mobile home park at least 15 days prior to the hearing on the map. If Chapter 21.37 applies, the subdivider shall also provide all notices required
by Section 21.37.120 of this code. The decision-making authority may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobile home park residents to find adequate space in a mobile home park, and shall make all the findings required by Section 21.37.120.

D. When approving or conditionally approving a tentative map for conversion of a mobile home park, the decision-making authority shall do one of the following:

1. Mitigate any significant adverse impact of the conversion on the ability of displaced mobile home park residents to find adequate space in a mobile home park by zoning additional land for mobile home parks;
2. Find that there is sufficient land zoned for mobile home parks or sufficient space available in other mobile home parks for the residents who will be displaced;
3. Require the subdivider to mitigate any adverse impact pursuant to subsection C of this section;
4. Find that the mitigation required by paragraphs 1 and 3 of this subsection are not feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (Ord. CS-192 § 12, 2012)

Whenever the subdivider is required by this title or the Subdivision Map Act to give any notice or provide any report or information to any person other than the city, the subdivider shall submit proof, sufficient to allow the decision-making authority to find that the notice has been given or the report or information provided. Such proof may include declarations under penalty of perjury. (Ord. CS-192 § 12, 2012; Ord. 9602 § 8, 1981)

20.12.070 City planner’s duties.
A. The city planner shall obtain the recommendation of the city engineer, the parks and recreation director, the fire chief or their authorized representatives with respect to the design of the proposed subdivision and the kind, nature and extent of the proposed improvements. Recommendations may also be obtained from affected agencies and any other person affected by or interested in the proposed subdivision, if such recommendations are found to be necessary.

B. Within 10 days after the filing of a tentative map, the city planner shall send notice of filing thereof with information about the location, number of units, density and any other information relevant to school districts to the governing board of any elementary, high school or unified school district within whose boundaries the proposed subdivision is located. Such governing board shall make a written report thereon to the city indicating the impact of the proposed subdivision and its recommendations within 20 working days after said notice was mailed, or the governing board shall be deemed to have approved the proposed subdivision.

C. The city planner shall prepare a staff report to the decision-making authority containing recommendations regarding the tentative map. A copy of the staff report and recommendations shall be furnished to the subdivider and to each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three days prior to any hearing or action on such map by the planning commission.

D. The city planner shall set the map for public hearing before the planning commission. (Ord. CS-192 § 12, 2012; Ord. CS-164 § 10, 2011; Ord. NS-676 § 14, 2003; Ord. 1256 § 6, 1982; Ord. 9602 § 9, 1981; Ord. 9521 § 9, 1979; Ord. 9417 § 2, 1975)
20.12.080 Notices and hearings.
A. Notice of the public hearing for a tentative map application shall be given pursuant to Sections 21.54.060 and 21.54.061 of this code.
   If the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the notice shall also be given by mail to each tenant of the subject property and shall include notification of the tenant’s right to appear and be heard.
B. Failure by any person to receive notice specified in this section shall not invalidate any action taken pursuant to this title. (Ord. CS-192 § 12, 2012)

20.12.090 Decision-making authority.
A. The planning commission shall have the authority to approve, conditionally approve or deny a tentative map based upon its review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at a public hearing.
B. The planning commission shall hear the matter, and may approve or conditionally approve the tentative map if all of the findings of fact in Section 20.12.091 of this chapter are found to exist.
   1. Whenever the planning commission approves or conditionally approves a tentative map providing for supplemental size of improvements, the establishment of benefit districts, the execution of reimbursement agreements or the setting of fees under any of the provisions of Section 20.08.130 or 20.08.140; Chapter 20.09; or Section 20.16.041, 20.16.042 or 20.16.043, the map shall be forwarded to the city council, which shall hold a public hearing on the issue of the improvements.
   2. Any decision to approve or conditionally approve a tentative map shall include a description, pursuant to the provisions of this title, of the kind, nature and extent of any improvements required to be constructed or installed in or to serve the subdivision. However, where the planning commission does not prescribe the kind, nature or extent of the improvements to be constructed or installed, improvements shall be constructed and installed in accordance with the city standards.
C. Any decision to disapprove a tentative map shall be accompanied by a finding, identifying the requirements which must be met or performed. (Ord. CS-192 § 12, 2012; Ord. 9626 § 3, 1982; Ord. 9602 § 10, 1981; Ord. 9559 § 2, 1980; Ord. 9532 § 2, 1979; Ord. 9521 § 10, 1979; Ord. 9417 § 2, 1975)

20.12.091 Required findings.
A. The decision-making authority may approve or conditionally approve a tentative map if all of the following findings are made:
   1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, applicable master and specific plans and with applicable provisions of Title 21.
   2. All approvals and permits required by Title 21 for the project have been obtained or will be concurrently obtained with the approval of the subdivision.
   3. The site is physically suitable for the type of development.
   4. The site is physically suitable for the proposed density of development.
   5. The design of the subdivision or proposed improvements:
      a. Are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat; or
      b. If an environmental impact report was prepared with respect to the project, a finding was made, pursuant to Section 21081(a)(3) of the California Public Resources Code, that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision; or, alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the decision-making authority to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

8. All requirements of the California Environmental Quality Act have been met.

9. The proposed subdivision meets or performs all applicable requirements or conditions of this title and the Subdivision Map Act, unless failure to do so is a result of a technical and inadvertent error that does not materially affect the validity of the subdivision.

10. In the case of conversions of residential real property to condominiums, community apartments or stock cooperatives, all required notices and reports to tenants have been or will be sent as required by California Government Code Section 66427.1 and other applicable laws.

11. If the proposed subdivision is on land that is subject to any of the contracts or easements specified in Section 66474.4 of the California Government Code:
   a. The parcels resulting from the subdivision will be large enough to sustain agricultural use, as specified in Section 66474.4 of the California Government Code; and
   b. If the subdivision will create lots for residential use, the residential development will be incidental to the commercial agricultural use of the land.

12. The proposed subdivision complies with all requirements of the hillside development regulations, Chapter 21.95 of the Carlsbad Municipal Code. (Ord. CS-192 § 12, 2012; Ord. 9827 § 1, 1987; Ord. 9806 § 3, 1986; Ord. 9760 § 8, 1985; Ord. 9602 § 10, 1981)

20.12.092 Announcement of decision and findings of fact.
A. When a decision on a tentative map is made pursuant to this chapter, the decision-making authority shall announce its decision and findings by formal resolution.

B. The announcement of decision and findings shall include:
   1. A statement that the tentative map is approved, conditionally approved, or denied;
   2. The facts and reasons which, in the opinion of the decision-making authority, make the approval or denial of the tentative map necessary to carry out the provisions and general purpose of this title;
   3. Such conditions and limitations that the decision-making authority may impose in the approval of the tentative map.

C. The announcement of decision and findings shall be mailed to:
   1. The owner of the subject real property or the owner’s duly authorized agent, the subdivider and/or the subdivider’s representative at the address or addresses shown on the application filed with the planning division;
   2. Any person who has filed a written request for a notice of decision. (Ord. CS-192 § 12, 2012; Ord. 9758 § 5, 1985; Ord. 9626 § 4, 1982; Ord. 9602 § 10, 1981)
20.12.093  Effective date and appeals.
Decisions on tentative maps shall become effective as of the date specified by resolution of the decision-making authority unless appealed and processed in accordance with the provisions of Section 21.54.150 of this code and Section 66452.5 of the Subdivision Map Act. (Ord. CS-192 § 12, 2012)

20.12.100  Expiration of tentative maps.
A. The approval or conditional approval of a tentative map shall expire 24 months from the date the map was approved or conditionally approved unless it has been extended pursuant to Section 20.12.110 of this chapter.
B. The time period specified in subsection A of this section, including any extension thereof granted pursuant to Section 20.12.110 of this chapter, shall not include any period of time during which a development moratorium as defined in Section 66452.6(f) of the California Government Code, imposed after approval of the tentative map, is in existence; provided, however, that the length of such moratorium does not exceed five years.
C. The period of time specified in subsection A, including any extension thereof granted pursuant to Section 20.12.110 of this chapter, shall not include any period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if a stay of such time period is approved by the city council pursuant to this subsection.
   1. An application for a stay must be filed by the subdivider in writing with the city planner within 10 days of the service on the city of the initial petition or complaint in such lawsuit.
   2. The application shall state the reasons for the requested stay and include the names and addresses of all parties to the litigation.
   3. The city planner shall notify all parties to the litigation of the date when the application will be heard by the city council.
   4. Within 40 days after receiving such application, the city council shall approve or conditionally approve the stay for up to five years or deny the requested stay.
D. Prior to the expiration of the tentative map, a final map conforming to the requirements of Chapter 20.20 of this title may be filed with the city engineer for approval. The final map shall be deemed filed on the date it is received by the city engineer. Once a timely and complete filing has been made pursuant to this section, subsequent actions of the city, including, but not limited to, processing, approving, and recording, may occur after the date of expiration of the tentative map.
E. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. (Ord. CS-192 § 12, 2012; Ord. CS-135 § 7, 2011; Ord. CS-032 § 1, 2009; Ord. 9806 §§ 4—6, 1986; Ord. 9760 § 9, 1985; Ord. 9680 § 2, 1983; Ord. 9549 § 3, 1980)

20.12.110  Extension of tentative map.
A. Automatic Time Extension. Pursuant to California Government Code Section 66452.23, the expiration date of any tentative map, which has not expired on or before July 15, 2011 and will expire before January 1, 2014, shall be extended by two years.
   1. The expiration of all project related permits or approvals, which were granted concurrently, shall be extended by two years, provided said permits or approvals have not expired on or before July 15, 2011.
   2. This section shall automatically sunset on January 1, 2014, unless Government Code Section 66452.23 is extended by the state legislature, in which case this provision shall remain in effect concurrently with the effective date of the state law.
B. Time Extension by City Planner.

1. The city planner may administratively, without a public hearing or notice, extend the time within which the right or privilege granted under a tentative map is valid, subject to the following:

2. Prior to the expiration date of the tentative map, the subdivider shall submit a written request for a time extension, along with payment of the application fee contained in the most recent fee schedule adopted by the city council.

3. Provided the written request for a time extension is timely filed, the tentative map shall be automatically extended for 60 days or until a decision to approve, conditionally approve or deny the request is rendered, whichever occurs first; however, if a time extension is granted, it shall be based on the original approval date.

4. The city planner shall extend the tentative map for an additional two years, if the following findings are made:
   a. The tentative map remains consistent with the general plan, all titles of this code and growth management program policies and standards in place at the time the extension is considered;
   b. Circumstances have not substantially changed since the tentative map was originally approved;
   c. The city planner may grant no more than three two-year extensions, for a total cumulative time extension of six years;
   d. All project related permits or approvals, which were granted concurrently, shall be extended to expire concurrently with the tentative map, provided such permits or approvals remain consistent with the general plan, all titles of this code and growth management program policies and standards in place at the time the extension is considered;
   e. When granting an extension of a tentative map, the city planner may impose new conditions and may revise existing conditions;
   f. The city planner shall announce in writing, by letter, his or her decision to grant or deny an extension of a tentative map. A copy of the letter announcing the city planner’s decision shall be mailed to the subdivider and to any person who has filed a written request to receive such notice.

5. City planner decisions on time extensions shall become effective as of the date specified by resolution of the decision-making authority unless appealed and processed in accordance with the provisions of Section 21.54.140 of this code; except, if the city planner denies the time extension, the subdivider may file an appeal with the city clerk within 15 days of the denial, and said appeal shall be subject to the same process required for appeals of planning commission decisions specified in Section 21.54.150 of this code.

C. Extensions when Filing Multiple or “Phased” Final Maps. In addition to the provisions for time extensions specified in subsections A and B of this section, a tentative map for which the filing of multiple or “phased” final maps has been authorized shall be extended subject to the following provisions:

When the subdivider is required to expend an amount equal to or greater than specified in California Government Code Section 66452.6(a), as determined at the time the tentative map is approved, to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property and are reasonably related to the development of that property, then each filing of a final map authorized by Section 20.20.020(C) of this code shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date it would otherwise have expired or the date of the previously filed final map, whichever is later.

1. The extensions granted pursuant to this subsection shall not extend the tentative map for more than 10 years, excluding extensions granted pursuant to subsections A and B of this section.
However, a tentative map for property subject to a development agreement authorized by the California Government Code and this code may be extended for a period of time provided for in the agreement, but not beyond the duration of the agreement.

2. “Public improvements,” as used in this subsection, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

D. Extensions of vesting tentative maps shall be governed solely by the provisions of Chapter 20.17 of this title, and by the provisions of subsection C of this section. (Ord. CS-192 § 12, 2012; Ord. CS-135 § 8, 2011; Ord. CS-087, 2010; Ord. CS-003 §§ 1, 3, 2008; Ord. NS-422 § 2, 1997; Ord. 9806 § 7, 1986; Ord. 9626 § 7, 1982; Ord. 9602 § 11, 1981; Ord. 9417 § 2, 1975)

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

B. If an approved tentative map was issued concurrently with the approval of another project related development permit(s), any amendment to said tentative map shall be acted on by the decision-making authority that approved the original tentative map, except that if the city council approved the original tentative map, the planning commission shall have the authority to act upon the amendment.

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

D. An amended tentative map shall conform to the following requirements:
   1. The proposed subdivision shown on such map shall generally conform to the street and lot pattern shown on the approved tentative map.
   2. The proposed subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider desires to include.
   3. The map shall contain all of the information required on tentative maps and shall be accompanied by such data as is required to be filed with tentative maps.

E. A tentative map amendment may be filed prior to expiration of a tentative map or within the period of time specified in any extension granted thereto. (Ord. CS-192 § 12, 2012; Ord. CS-164 § 11, 2011; Ord. NS-676 § 12, 2003; Ord. NS-422 § 3, 1997; Ord. 1256 § 12, 1982; Ord. 9602 § 12, 1981; Ord. 9417 § 2, 1975)

20.12.130 Vesting tentative maps.
The vesting tentative map may be filed and processed in the same manner and subject to the same requirements as a tentative map except as provided in Chapter 20.17. (Ord. 9788 § 5, 1986)
Chapter 20.16

MAJOR SUBDIVISIONS—REQUIREMENTS

Sections:
20.16.010 Design of subdivision.
20.16.015 Design for passive or natural heating opportunities.
20.16.020 Conformance to street plans.
20.16.030 Dedication.
20.16.040 Required improvements.
20.16.041 Supplemental improvements—Required.
20.16.042 Supplemental improvements—Reimbursement agreement—Funding procedures.
20.16.043 Supplemental improvements—Drainage, sewerage, bridges and major thoroughfares.
20.16.050 Monuments.
20.16.060 Agreement to improve.
20.16.070 Improvement security—Required.
20.16.080 Improvement security—Amount.
20.16.090 Improvement security—Release.
20.16.095 Off-site improvements—Acquisition of property interests.
20.16.100 Improvement security—Forfeiture.

20.16.010 Design of subdivision.
All major subdivisions for which a tentative map is required by this title shall conform to the following requirements as to design:

A. Except as approved by the city engineer, no lot shall include land in more than a single tax code area. A building permit shall not be issued for a lot which includes land in more than one tax code area and a note reflecting such restriction shall be included on the final map.

B. Every lot shall contain the minimum lot area specified in Title 21 for the zone in which the lot is located at the time the final map is submitted to the city council for its approval; provided, however, if no lot area is established by Title 21, every lot shall contain a net area of no less than 7,500 square feet.

C. Every lot shall front on a dedicated street or a street offered for dedication unless otherwise authorized by Title 21 for the zone in which the lot is located at the time the final map is submitted to the city council for its approval.

D. Every lot shall have a width as specified in Title 21 for the zone in which the lot is located at the time the final map is submitted.

E. Except for panhandle or flag-shaped lots approved pursuant to Title 21, lots whose side lines are approximately radial to the center of a cul-de-sac or the center of the intersection of two dead end streets shall have at least 33 feet of frontage measured at the right-of-way lines.

F. Panhandle or flag-shaped lots, if permitted pursuant to Title 21, shall have minimum frontage of 20 feet on a dedicated public street or publicly dedicated easement accepted by the city. Where the panhandle or flag-shaped portion of a lot is adjacent to the same portion of another such lot the required minimum frontage on such street easement shall be 15 feet provided a joint easement ensuring common access to both such portions is agreed upon by the owners of such lots and recorded.

G. Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting streets as approved by the city engineer.

H. Lot depth shall be at least 90 feet. Lot depth shall be no greater than three times the average width except for minor subdivisions where the proposed lot depth to width ratio is less than that of the existing lot.
I. Whenever practicable, subdivision of residential property abutting prime, major and secondary arterial routes shown on the circulation element of the city general plan, railroads, transmission lines and open flood-control channels shall be designed so that the lots do not front on nor have access from such rights-of-way.

J. Whenever practicable, side and rear lot lines shall be located along the top of manmade slopes instead of at the toe or at intermediate locations on the slopes.

K. Bicycle routes shown on the city general plan shall be included in the subdivision when such routes pass through or abut the subdivision.

L. Considerations shall be given to assuring proper development of abutting properties in the development of the street plan.

M. The design of the subdivision shall be consistent with the provisions of Chapter 21.95 of this code relating to hillside development. Areas which are determined to be undevelopable pursuant to the applicable provisions of Chapter 21.95 of this code shall be preserved as open space areas. (Ord. 9827 § 2, 1987; Ord. 9521 § 12, 1979; Ord. 9467 § 6, 1976; Ord. 9417 § 2, 1975)

20.16.015 **Design for passive or natural heating opportunities.**

In addition to the requirements of Section 20.16.010, the design of a major subdivision for which a tentative map is required by this title, shall also provide to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision.

A. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

B. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

C. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

D. The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

E. For the purposes of this section, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors as the city council may determine. (Ord. CS-192 § 14, 2012; Ord. 9521 § 12, 1979)

20.16.020 **Conformance to street plans.**

All streets shown on a tentative map shall be in substantial conformance to the circulation element of the general plan and they shall relate to the existing streets in the areas adjoining the subdivision. Such streets shall also conform to any applicable master plans, specific plans or other officially adopted street plans. (Ord. 9417 § 2, 1975)

20.16.030 **Dedication.**

A. The subdivider shall offer to dedicate rights-of-way for streets within the subdivision in accordance with city standards.
B. No final map shall be approved unless the street or streets providing primary access to the subdivision are dedicated to and maintained by a city, county or state and the street or streets meet city standards for right-of-way width.

C. Streets which are proposed on the boundaries of a subdivision shall have a dedicated width of no less than 42 feet together with a strip of land one foot wide on its outer edge which shall be offered to the city for street purposes and over which access rights are relinquished.

D. All streets proposed to be terminated at the subdivision boundary shall include a strip of land one foot wide across the street at its point of termination at the boundary which shall be portions of the adjacent lots, offered for street purposes and over which access rights are relinquished.

E. Intersections of existing streets or of existing streets with streets shown on the circulation element of the general plan shall be offset at least 250 feet. Four-way intersections are to be avoided wherever possible.

F. Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required easements to be dedicated to the city and shall improve the easements in accordance with city standards.

G. Whenever any land to be subdivided is bounded by an inlet, bay, estuary, lagoon, river, stream or by the Pacific Ocean, there shall be a street to and along such inlet, bay, estuary, lagoon, river, stream or ocean front, or adequate public access to and along such boundary shall be provided or be made otherwise available in lieu of such street or any combination as the city council may require to insure compliance with Chapter 4, Article 3.5 of the Subdivision Map Act.

H. Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the city or to such other public entities as the city council designates and shall be shown on the map.

I. Where it is necessary to extend a drainage facility or flood-control facility beyond the boundaries of the subdivision for adequate drainage or flood-control needs, the required rights-of-way shall be offered for dedication.

J. Drainage facilities and flood-control facilities within and without the subdivision shall be provided so as to carry storm runoff, both tributary to and originating within the subdivision.

K. The subdivider shall offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both, pursuant to Chapter 20.44 of this title.

L. The subdivider shall offer to dedicate in accordance with city standards the necessary right-of-way for bicycle routes under the following circumstances:
   1. When such routes as shown on the city general plan pass through or abut the subdivision;
   2. When a subdivider is required to dedicate rights-of-way for streets in a subdivision containing 200 or more lots and such route is necessary and feasible for the use and safety of the residents.

M. Where required, a dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map as abutting thereon, and if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access. (Ord. 9417 § 2, 1975)

20.16.040 Required improvements.
A. Before approving a final map, the decision-making authority shall require and before a final map is approved by operation of law, it shall be required that:
   1. The subdivider grade and improve or agree to grade and improve all land dedicated or to be dedicated for streets or easements, bicycle routes and all private streets and private easements laid out on a final map or parcel map in such manner and with such improvements as are neces-
sary for the use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, and in accordance with city standards;

2. The subdivider install or agree to install all drainage and flood-control structures and facilities required by the city engineer, which drainage and flood-control structures and facilities shall conform to city standards, or the standards of other appropriate agencies as the city engineer adopts;

3. The subdivider install or agree to install fire hydrants and connections of a type and location approved by the fire chief. For local residential streets, fire hydrant connections, including valves, shall be installed between the sidewalk and the curb and gutter in the parkway;

4. The subdivider provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood-control structures and facilities and sewer systems extending beyond the boundaries of the subdivision;

5. The subdivider provide that the subdivision be connected to a domestic water system approved by the city and all water mains shall be of a material subject to the requirements of the water company or agency serving the subdivision. That the subdivider shall install or agree to install all required water systems necessary to serve the subdivision and that all water lines, appurtenances and service connections have been constructed or laid prior to paving or provisions have been made to insure said construction; and

6. Where a sewer line is constructed or laid within a street or road, the subdivider has installed or agreed to install sewer lines of a type and size approved by the city engineer to the property line of each lot within the subdivision and all sanitary sewer lines, appurtenances and service connections have been constructed or laid prior to paving or provisions have been made to insure the construction.

B. If the offer of dedication of streets is rejected on the map pursuant to Section 66477.1 of the Subdivision Map Act, no surfacing shall be required on any street so rejected; provided, however, this provision shall not be construed as relieving the subdivider of the obligation of:

1. Grading such rejected streets to grades and widths required by city standards;
2. Installing all drainage structures and facilities required by the city engineer, which shall conform to city standards; or
3. Installing water supply pipelines, fire hydrants and connections as may be required by the city engineer and fire chief.

C. No surfacing is required on any private street laid out on any parcel map where each parcel shown on such map contains a gross area of 20 acres or more; provided, however, this provision shall not be construed as relieving a subdivider of the obligation of:

1. Grading such private streets to grades and widths required by city standards;
2. Installing all drainage structures and facilities required by the city engineer, which shall conform to city standards; and
3. Installing water supply pipelines, fire hydrants and connections as may be required.

D. The design of any subdivision for which a tentative map or parcel map is required pursuant to Government Code Section 66426 shall provide for appropriate cable television systems and for communication systems, including, but not limited to, telephone and internet services, to each parcel in the subdivision. All new utility distribution facilities, including cable television conduit and lines, and communications systems, within the boundaries of any new subdivision or within the half-street abutting a new subdivision, shall be placed underground. All existing utility distribution facilities shall be placed underground within the boundaries of any new subdivision or within any half-street abutting any new subdivision except where the existing facilities within any single half-street section abutting the new subdivision span a distance of less than 600 feet, or where it is determined by the city engineer that it is not practicable to place the existing facilities underground within any single half-street section due to the existence of overhead utility services to properties on the opposite side of that half-street section, in
which cases the subdivider shall execute and record a covenant running with the land not to oppose a
local improvement district for underground placement of utilities.

In developments where overhead utility distribution facilities are allowed to remain, all new services to
existing lots and lots created according to the provisions of this title shall be installed underground from
the nearest utility pole.

The subdivider is responsible for complying with the requirements of this subsection, and the subdi-
vider shall make the necessary arrangements with each of the serving utilities, including franchised ca-
ble television operators, and communication system providers, including, but not limited to, telephone
and internet services, for the installation of such facilities. Transformers, terminal boxes, meter cabi-
nets, pedestals, concealed ducts and other facilities necessarily appurtenant to such underground utili-
ties and street lighting systems may be placed aboveground, subject to approval of the city engineer as
to type and location. The provisions of this subsection shall not apply to the installation and mainte-
nance of overhead electric transmission lines in excess of 34,500 volts and long-distance and trunk
communication facilities. The installation of cable television lines may be waived when, in the opinion
of the city council, no franchised cable television operator is found to be willing and able to install cable
television lines in the subdivision. Notwithstanding any such waiver, the installation of cable television
conduits is required.

E. The subdivider shall construct or shall cause to be constructed at his or her cost a street lighting sys-
tem conforming to city standards.

F. Where the city has adopted a flood-control element or drainage element of the general plan, any im-
provements shall conform to such element wherever possible.

G. The subdivider shall comply or agree to comply with all the conditions of approval contained in the
resolution approving the tentative map and not otherwise provided for by this section.

H. If improvements are required for a designated remainder parcel, the fulfillment of such requirements by
the construction of improvements shall not be required until such time as a building or grading permit
for development of the parcel is issued by the city or until such time as the construction of such im-
provements is required pursuant to an agreement between the subdivider and the city. In the absence
of such an agreement, the city council may require fulfillment of some or all of such construction re-
quirements within a reasonable time following approval of the final map and prior to the issuance of a
building or grading permit for the development of a remainder parcel upon a finding that fulfillment of
the construction requirements is necessary for reasons of public health and safety or that the construc-
tion is a necessary prerequisite to the orderly development of the surrounding area. (Ord. CS-192 § 16,
2012; Ord. NS-745 § 1, 2005; Ord. NS-603 § 2, 2001; Ord. 9549 § 4, 1980; Ord. 9521 § 13, 1979; Ord.
7044 § 1, 1976; Ord. 9417 § 2, 1975)

20.16.041 Supplemental improvements—Required.
A. The subdivider may be required to install improvements for the benefit of the subdivision which may
contain supplemental size, capacity or number for the benefit of property not within the subdivision as a
condition precedent to the approval of a subdivision or parcel map and thereafter to dedicate such im-
provements to the public. However, when such supplemental size, capacity or number is solely for the
benefit of property not within the subdivision, the city shall enter into an agreement with the subdivider
to reimburse the subdivider for that portion of the cost of such improvements equal to the difference
between the amount it would have cost the subdivider to install such improvements to serve the subdi-
vision only and the actual cost of such improvements pursuant to the provisions of the Subdivision Map
Act.

B. The city council shall determine the method for payment of the costs required by a reimbursement
agreement which may include but is not limited to the establishment and maintenance of local benefit
districts for the levy collection of such charge or costs from the property benefited. (Ord. NS-745 § 1,
2005; Ord. 9521 § 14, 1979)
20.16.042 Supplemental improvements—Reimbursement agreement—Funding procedures.
A. No charge, area of benefit or local benefit district shall be established unless and until a public hearing is held thereon by the city council and the city council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.
B. In addition to the notice required by Section 66451.3 of the Government Code, written notice of the hearing shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the city clerk at least 10 days prior to the date established for the hearing. (Ord. 9521 § 14, 1979)

20.16.043 Supplemental improvements—Drainage, sewerage, bridges and major thoroughfares.
If the city has adopted a local drainage or sanitary sewer plan or map as required for the imposition of fees therefor, or has established an area of benefit for bridges or major thoroughfares as provided in Chapter 20.08 of this title, the city may impose a reasonable charge on property within the area benefited and may provide for the collection of said charge as set forth in Chapter 20.08. The city may enter into reimbursement agreements with a subdivider who constructs said facilities, bridges or thoroughfares and the charges collected by the city therefor may be utilized to reimburse the subdivider. (Ord. 9602 § 14, 1981; Ord. 9521 § 14, 1979)

20.16.050 Monuments.
A. Every final map shall show the following monuments:
  1. Boundary Monuments. The exterior boundary of the subdivision shall be monumented with permanent monuments not smaller than two inch iron pipes at least 24 inches long set at each corner and at intermediate points along the boundary not more than 1,000 feet apart and at the beginning and end points of all curves; provided, if any existing record and identified monument meeting the foregoing requirements is found at any such corner or point, such monument may be used in lieu of a new monument.
  2. Lot Corner Monuments. All lot corners, except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types:
     a. Three-quarter inch diameter iron pipe at least 12 inches long;
     b. One-half inch diameter steel rod at least 12 inches long;
     c. Lead plug and copper identification disks set in concrete sidewalks or curbs.
  3. Such additional monuments to mark the limiting lines of streets as the city engineer may require.
  4. All other monuments set or proposed to be set.
B. The subdivider shall cause the foregoing monuments to be set by a licensed surveyor or engineer.
C. All monuments and their installation shall conform to city standards.
D. All of the foregoing monuments shall be set prior to the approval of the map by the city council unless the setting thereof is deferred in accordance with Section 66496 of the Subdivision Map Act; provided, however, the setting of exterior boundary monuments shall not be deferred unless the city engineer determines that such monuments might be disturbed by the construction of improvements.
E. Where the setting of monuments is deferred following filing of a final map, such monuments shall be set within 30 days after the completion of the required improvements and prior to the acceptance thereof by the city. The setting of monuments shall not be deferred if a parcel map is filed unless expressly allowed by the city engineer.
F. Prior to approval of final map, subdivider shall provide the city with security in an amount equal to 100% of the estimated cost of setting subdivision monuments. The security shall be in a form as pro-
vided in Section 20.16.070. The security shall be released upon presentation by subdivider to the city of evidence that the monuments are set and the engineer or surveyor has received full payment for setting of the monuments. (Ord. NS-131 § 1, 1990; Ord. 9417 § 2, 1975)

20.16.060 Agreement to improve.
Unless the decision-making authority requires the subdivider to construct improvements prior to final map approval, the subdivider may elect to agree to construct improvements or to otherwise comply with the requirements of this title and with the conditions in the resolution approving the tentative map or, if authorized by the city council, may contract to initiate and consummate special assessment district proceedings in lieu of constructing improvements, as provided in Section 66462 of the Subdivision Map Act. If the subdivider consents, or the city council requires pursuant to Section 20.16.040, the agreement may provide for the improvements for a designated remainder parcel prior to issuance of a building or grading permit for such parcel. In addition, the subdivider shall prepare and deposit with the city clerk detailed plans and specifications of the improvements to be constructed or the conditions to be met, and such plans and specifications shall be made a part of any such agreement or contract and of the improvement security securing the same. The city manager is authorized to sign such agreements on behalf of the city. (Ord. CS-192 § 17, 2012; Ord. 9549 § 4, 1980; Ord. 9417 § 2, 1975)

20.16.070 Improvement security—Required.
The improvement agreement referred to in Section 20.16.060 shall be secured by one of the following:
A. A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed by Sections 66499.1 and 66499.2 of the Subdivision Map Act.
B. A deposit either with the city or a responsible escrow agent or trust company selected by the city of cash or negotiable bonds of the kind approved for securing deposits of its public moneys.
C. An irrevocable instrument of credit from one or more responsible financial institutions regulated by federal or state government and pledging that the funds are on deposit and guaranteed for payment on demand by the city.
D. A letter of credit in a form approved by the finance director and the city attorney from a financial institution regulated by the state or federal government and approved by the finance director and the city attorney. (Ord. 9680 § 4, 1983; Ord. 9417 § 2, 1975)

20.16.080 Improvement security—Amount.
Improvement security shall be in the following amounts:
A. One hundred percent of the total estimated cost of the improvement or act to be performed conditioned upon the faithful performance of the act or agreement;
B. Fifty percent of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act;
C. Twenty-five percent of the total estimated cost of the improvement or act to be performed to guarantee or warranty the work for a period of one year following completion or acceptance thereof against any defective work or labor done or defective materials furnished. The security shall be obtained by retaining 25% of the security for faithful performance of the act or agreement;
D. If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included, as determined by the city council, as necessary to cover the cost and reasonable expenses and fees, including reasonable attorney’s fees, which may be incurred by the city in successfully enforcing the obligation secured. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed 10% of the original estimated cost of the improvement;
E. Whenever an entity required to furnish security is a California nonprofit corporation funded by the United States of America or one of its agencies, or the State of California or one of its agencies, the entity shall not be required to comply with subsection A or B of this section, provided that the conditions established by subsection C of Section 66499.3 of the State Government Code are met. (Ord. NS-131 § 2, 1990; Ord. 9680 § 55, 1983; Ord. 9417 § 2, 1975)

20.16.090 Improvement security—Release.
The improvement security required under this chapter shall be released in the following manner:
A. Seventy-five percent of security given for faithful performance of any act of agreement shall be released upon the final completion and acceptance of the act or work, subject to the provisions of subsection B of this section. Twenty-five percent of the security given for faithful performance of any act or agreement shall be retained for a period of one year after acceptance to guarantee or warranty the work or act as required in Section 20.16.080(C). No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.
B. The city engineer may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefore by the subdivider; provided, however, that no such release shall be for an amount less than 25% of the total improvement security given for faithful performance of the act or work. In no event shall the city engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this title, the Subdivision Map Act or the improvement agreement.
C. Security given to secure payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment shall, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the legislative body plus an amount reasonably determined by the city engineer to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given. (Ord. CS-135 § 9, 2011; Ord. NS-131 § 3, 1990; Ord. 9417 § 2, 1975)

20.16.095 Off-site improvements—Acquisition of property interests.
A. Whenever a subdivider is required as a condition of a tentative map to construct or install off-site improvements on property which neither the subdivider nor the city owns, then not later than 120 days prior to filing the final map for approval the subdivider shall provide the city with sufficient information, reports and data including, but not limited to, an appraisal and title report, to enable the city to commence proceedings pursuant to Title 7 of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property pursuant to Article 3 of said title.
B. The subdivider shall agree pursuant to Section 20.16.060 to complete the improvements at such time as the city has a sufficient interest in the property to permit the construction of the improvements. The subdivider shall bear all costs associated with the acquisition of the property interests and the estimated cost thereof shall be secured as provided in Section 20.16.070.
C. If the city has not required the subdivider to enter into an agreement and the city fails to meet the 120-day limitation, the condition of construction of off-site improvements shall be conclusively deemed to be waived. The waiver shall occur whether or not the city has postponed or refused approval of the final map, because the subdivider has failed to meet a tentative map condition which requires the construction or installation of off-site improvement on land owned by a third party. (Ord. NS-704 § 1, 2004; Ord. 9680 § 6, 1983)
20.16.100 Improvement security—Forfeiture.
Upon the failure of the subdivider to complete any improvement, acts or obligations within the time specified, the city council may, upon notice in writing of not less than 10 days served upon the person responsible for the performance thereof, or upon notice in writing of not less than 20 days served by registered mail addressed to the last known address of such person, determine that the subdivider is in default and may cause the improvement security, or such portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby, to be forfeited to the city. (Ord. 9417 § 2, 1975)
Chapter 20.17

VESTING TENTATIVE MAPS

Sections:

20.17.010 Authority.
20.17.020 Filing.
20.17.025 Processing.
20.17.028 Expiration.
20.17.030 Rights conferred.
20.17.035 Amendments.
20.17.040 Consistency with zoning and general plan.

20.17.010 Authority.
This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1 of Division 2 of Title 7 of the Government Code of the State of California—Subdivision Map Act) and is intended to implement the provisions of that chapter. (Ord. 9788 § 6, 1986)

20.17.020 Filing.
A. Whenever this title requires the filing of a tentative map or a tentative parcel map the subdivider may file a vesting tentative map or vesting tentative parcel map subject to the provisions of this chapter.
B. At the time a vesting tentative map or vesting tentative parcel map is filed, it shall have printed conspicuously on its face, “Vesting Tentative Map” or “Vesting Tentative Parcel Map,” whichever is applicable.” (Ord. CS-155 § 2, 2011; Ord. NS-710 § 1, 2004; Ord. NS-676 § 14, 2003; Ord. 9806 § 8, 1986; Ord. 9788 § 6, 1986)

20.17.025 Processing.
A. The processing of vesting tentative maps shall be consistent with the processing of tentative maps per Chapter 20.12.
B. The processing of vesting parcel maps shall be consistent with the processing of tentative parcel maps per Chapter 20.24. (Ord. CS-155 § 3, 2011)

20.17.028 Expiration.
A. A vesting tentative map or vesting tentative parcel map shall expire consistent with the provisions contained in this title for tentative maps and tentative parcel maps, whichever is applicable. The vesting tentative map or vesting tentative parcel map shall be subject to the same regulations regarding time extensions as provided in this title for extensions of tentative maps or tentative parcel maps, whichever is applicable. All related city permits or approvals for projects including a vesting tentative map or vesting tentative parcel map shall expire on the same day as the vesting tentative map or vesting tentative parcel map expires.
B. The expiration of an approved or conditionally approved vesting tentative map or vesting tentative parcel shall terminate all proceedings consistent with the provisions contained in this title for tentative maps and tentative parcel maps, whichever is appropriate. (Ord. CS-155 § 4, 2011)

20.17.030 Rights conferred.
A. Approval or conditional approval of a vesting tentative map or vesting tentative parcel map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the date the application is deemed complete, as described in Section 66474.2 of the Government Code. However, if Section 66474.2 is repealed the approval shall confer a vested right
to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map or vesting tentative parcel map was approved or conditionally approved. Any disputes regarding whether a development substantially complies with the approved or conditionally approved map, or with the ordinances, policies or standards described in this subsection, shall be resolved by the decision-making authority which approved the vesting tentative map or vesting tentative parcel map, in accordance with Sections 20.12.090 and 20.24.120.

B. Notwithstanding subsection A of this section, a permit, approval, extension or entitlement for development may be conditionally approved or denied if the decision-making authority determines:

1. A failure to condition or deny the permit, approval, extension or entitlement would place the residents of the subdivision or of the immediate community or both in a condition dangerous to their health or safety or both; or

2. The condition or denial is required in order to comply with state or federal law.

C. The rights conferred by a vesting tentative map or vesting tentative parcel map shall expire if:

1. A final map or parcel map is not approved prior to the expiration of the vesting tentative map or the vesting tentative parcel map;

2. The applicant has requested a change in the type, density, bulk or design of the development unless an amendment to the vesting tentative map or vesting tentative parcel map has been approved.

D. If the final map or parcel map is approved prior to the expiration of the vesting tentative map or vesting tentative parcel map, the vested rights conferred by subsection A of this section shall last as follows:

1. The vested rights shall last for an initial time period of two years from the recording of the final map or parcel map. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map or vesting tentative parcel map the two-year initial period shall begin for each phase when the final map or parcel map for that phase is recorded.

2. The two-year initial time period shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days from the date a complete application is accepted.

3. A subdivider may apply to the decision-making authority for a one-year extension of the vested rights at any time before the initial two-year time period expires. An extension may be granted only if the decision-making authority finds that the map still complies with the requirements of this title. The decision-making authority may approve, conditionally approve or deny an extension in its sole discretion, subject to appeal in accordance with Chapter 20.12 or 20.24.

4. If the subdivider submits a complete application for a building permit during the periods of time set forth in paragraphs 1 through 3 of this subsection, the vested rights shall continue until the expiration of that building permit or any extension of that building permit.

E. Upon the expiration of the time limits specified in subsections A and D, all vested rights conferred by this section shall cease, and the project shall be considered the same as any subdivision which was not processed pursuant to this chapter.

F. Notwithstanding subsection A, the amount of any fees which are required to be paid either as a condition of the map approval or by operation of any law shall be determined by application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative map or vesting tentative parcel map. (Ord. CS-192 § 18, 2012; Ord. CS-155 § 4, 2011; Ord. 9788 § 6, 1986)
20.17.035 Amendments.
If the ordinances, policies, or standards described in Section 20.17.030(A) change subsequent to the approval or conditional approval of a vesting tentative map or vesting tentative parcel map, the subdivider, or assignee, may apply for an amendment to the vesting tentative map or vesting tentative parcel map to secure a vested right to proceed with the changed ordinances, policies, or standards. The application shall be made prior to the expiration of the vesting tentative map or vesting tentative parcel map pursuant to Section 20.17.028(A) and shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought. (Ord. CS-155 § 6, 11)

20.17.040 Consistency with zoning and general plan.
No vesting tentative map or vesting tentative parcel map shall be approved if the proposed map or the design or improvement of the proposed development are not consistent with the applicable general, specific or master plans or with the applicable provisions of Title 21. If development of the project for which a vesting tentative map or vesting tentative parcel map requires any permits or approvals pursuant to Title 21 of this code those permits or approvals shall be processed concurrently with the vesting tentative map or vesting tentative parcel map. A vesting tentative map or vesting tentative parcel map shall not be approved if all other discretionary permits or approvals have not been approved either prior to or concurrently with approval of the map. (Ord. 9788 § 6, 1986)
Chapter 20.20

FINAL MAP REQUIREMENTS

Sections:
20.20.010 Maps to conform to requirements of approved tentative map.
20.20.020 City engineer to approve maps.
20.20.030 Required offer of dedication.
20.20.040 Grant of open space easement.
20.20.050 Type of map required.
20.20.060 Additional data on final subdivision maps.
20.20.070 Record of easements.
20.20.080 Survey data.
20.20.090 Lot numbers.
20.20.100 Established lines.
20.20.110 Additional certificates on final subdivision maps.
20.20.115 Notice of owner’s development lien.
20.20.120 Title company certificate and report.
20.20.130 Title company subdivision guarantee.
20.20.140 Approval as to form.
20.20.150 Stamping or printing of certificates.
20.20.160 Soil reports.
20.20.165 Appeal of city engineer decision.
20.20.170 Transmittal of final map.

20.20.010 Maps to conform to requirements of approved tentative map.
All final and parcel maps for major subdivisions shall conform to the requirements of the Subdivision Map Act and this title and also shall conform to the requirements specified in the approval or conditional approval of the tentative map. (Ord. CS-192 § 20, 2012; Ord. 9602 § 15, 1981; Ord. 9417 § 2, 1975)

20.20.020 City engineer to approve maps.
A. Pursuant to California Government Code Section 66458(d), the city engineer is authorized to approve or deny final maps.
B. The city engineer shall notify the city council at its next regular meeting after the official receives the map that the city engineer is reviewing the map for final approval.
The city clerk shall provide notice of any pending approval or denial by the city engineer, such notice shall be attached and posted with the city council’s regular agenda and shall be mailed to interested parties who request notice.
C. The city engineer shall approve or deny the final map within 10 days following the meeting of the city council held pursuant to subsection B of this section.
D. The city engineer shall not consider a final map unless there is a valid tentative map for the subdivision.
E. No final map shall be filed in the office of the county recorder until approved by the city engineer, but such map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map, providing that any such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The city engineer may waive any failure of the map to meet such requirements and conditions if such failure is a result of a technical and inadvertent error which, in the determination of the city engineer, doesn’t materially affect the validity of the map.
F. Multiple or “phased” final maps may be filed for portions of the tentative map, provided that the tentative map approval divides a subdivision into units and the final map or “phased” final map substantially conforms to one or more of such units and complies with all conditions applicable to such units. The number of final maps or “phased” final maps which may be filed shall be determined by the decision-making authority at the time of the approval or conditional approval of the tentative map. When dividing a subdivision into units, the decision-making authority shall ensure that the design and improvement of each unit are consistent with the provisions of this title. If the subdivider is subject to a requirement to construct or improve or finance the construction and improvement of public improvements outside the boundary of the subdivision the cost of that requirement shall be established at the time the tentative map is approved. If the cost of the off-site public improvements requirement is $100,000.00 or more it shall be a condition of the tentative map that additional conditions may be placed on the extension of the tentative map which occurs by operation of Section 20.12.110(B) of this code; and further, it shall be a condition that upon the filing of any multiple final map or phased final map the city engineer may modify or eliminate the phasing scheme.

G. The city engineer shall not approve a final map for a subdivision to be created from a conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it finds all of the following:

1. Each of the tenants of the proposed condominium project, community apartment project, or stock cooperative project has received written notification of intention to convert at least 60 days prior to the filing of a tentative map. There shall be a further finding that each such tenant and each person applying for the rental of a unit in such residential real property has or will have received all applicable notices and rights now or hereafter required by this title or the Subdivision Map Act. In addition, a finding shall be made that each tenant has received 10 days’ written notification that an application for a public report will be or has been submitted to the department of real estate, and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

2. Each of the tenants of the proposed condominium project, community apartment project, or stock cooperative project has been or will be given written notification within 10 days of approval of a final map for the proposed conversion.

3. Each of the tenants of the proposed condominium project, community apartment project, or stock cooperative project has been or will be given 180 days’ written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.

The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including but not limited to the provisions of services, payment of rent or the obligations imposed by Sections 1941, 1941.1 and 194.1 of the California Civil Code.

4. Each of the tenants of the proposed condominium project, community apartment project, or stock cooperative project has been or will be given notice of an exclusive right to contract for the purchase of his or her respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

5. The owners of a stock cooperative or community apartment project have voted in favor of such conversion as specified by Section 66452.10 of the State Government Code.

6. This section shall not diminish, limit or expand, other than as provided herein, the authority of the decision-making authority to approve or disapprove condominium projects. (Ord. CS-192 § 20, 2012; Ord. CS-155 § 9, 2011; Ord. 9806 § 9, 1986; Ord. 9680 § 7, 1983; Ord. 9602 §§ 16, 17, 1981; Ord. 9521 § 15, 1979; Ord. 9417 § 2, 1975)
20.20.030 Required offer of dedication.
As a condition precedent to the approval by the city engineer of any final map, all parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels, other than streets, intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants. (Ord. CS-192 § 20, 2012; Ord. 9417 § 2, 1975)

20.20.040 Grant of open space easement.
In the event that a grant of an open space easement is to be made over any portion of the subdivision, the final map shall contain a certificate signed and acknowledged by those parties having any record title interest in the subdivided land granting such open space easement and stating the conditions of the grant. (Ord. 9417 § 2, 1975)

20.20.050 Type of map required.
Unless otherwise provided in this title, a final subdivision map shall be prepared and filed pursuant to an approved tentative map for every major subdivision. In lieu of filing a final subdivision map, unless otherwise required by the Subdivision Map Act, a parcel map with a form and content in accord with Chapter 20.32 of this title may be filed pursuant to an approved tentative map when any of the following conditions prevail:

A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the city council;
B. Each parcel created by this division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, and no dedication is required by the city council;
C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the city council;
D. Each parcel created by the division has a gross area of 40 acres or more or each of which is a quarter-quarter section or larger. (Ord. 9417 § 2, 1975)

20.20.060 Additional data on final subdivision maps.
Every final subdivision map shall:

A. Contain a definite description of the land subdivided by references to recorded deeds, recorded maps and official United States surveys. Reference to tracts, recorded deeds and recorded maps shall be spelled out, worded identically with original records and show the book and page of records or map numbers;
B. Show the basis of bearings used, the relationship of the bearings to the true meridian, and the north point of the map shall appear on each sheet thereof;
C. Show the acreage of all parcels containing one acre or more to nearest hundredth;
D. Clearly indicate, by description or a distinctive boundary line, any area subject to flooding at times of high tide or heavy rainfall, and state that such area is subject to flooding at times of high tide or heavy rainfall;
E. Show a solid line separating all private ways, easements and other rights-of-way not to be accepted as public streets and shown on the map from public streets and clearly designate their nature and the manner in which the right is reserved or granted;
F. Bear the name and the Carlsbad tract number of the subdivision on every sheet of the map;
G. Indicate the exterior boundary of the land included within the subdivision by distinctive symbols and clearly so designate. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a designated remainder parcel or a parcel desig-
nated as “not a part,” and the gross area of that parcel is five acres or more, that parcel need not be shown on the map and its location need not be indicated as a matter of survey but may be indicated by deed reference to the existing boundaries of the remainder parcel;

H. Additional information as required by the city engineer which may include, but is not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, airport influence areas, archaeological sites and other restricted areas. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. (Ord. NS-172 § 1, 1991; Ord. 9806 § 10, 1986; Ord. 9549 § 5, 1980; Ord. 9417 § 2, 1975)

20.20.070 Record of easements.
A. The final map shall show the centerline data, width and side lines of all easements to which the land is subject or to be subjected. If the easement is not definitely located on record, a statement as to the easement shall appear on the title sheet.
B. Easements for storm drains, sewers and other purposes shall be denoted by broken lines.
C. The easement shall be clearly labeled and identified and, if already of record, proper reference to the records given.
D. Easements being dedicated shall be so indicated in the certificate of dedication.
E. Easements for public utility companies shall be designated on the final map as “easements for public utilities.” (Ord. 9417 § 2, 1975)

20.20.080 Survey data.
A. The final map shall show the centerlines of all streets, length, tangents, radii and central angles or radial bearings of all curves, the total width of each street, the width of the portion being dedicated and the width of existing dedication and the width of each side of the centerline; also the width or rights-of-way of railroads, flood-control or drainage channels and any other easements existing or being dedicated by the map.
B. Surveys in connection with subdivision maps prepared pursuant to this chapter shall be made in accordance with standard practices and principles for land surveying. A traverse of the boundaries of the subdivisions and all lots and blocks shall close. Sufficient data shall be shown to determine readily the bearing and length of each line. Dimensions of lots shall be net dimensions, and no ditto marks shall be used.
C. Traverse sheets and work sheets showing the closure of the exterior boundaries and of each irregular block and lot shall be provided.
D. The final map shall also have indicated thereon the following:
   1. Suitable primary survey control points:
      a. Section corners;
      b. Monuments (existing outside of subdivision);
   2. Location of all permanent monuments within subdivision;
   3. Ties to any city or county boundary lines involved;
   4. Ties to and identification of adjacent subdivisions;
   5. Required certificates. (Ord. 9417 § 2, 1975)
20.20.090 Lot numbers.
A. The lots shall be numbered consecutively, commencing with the number “1,” with no omissions or duplications; in the case of successive subdivisions of the same basic name, the numbering may be successively extended from the previous subdivision bearing the same general name.

B. Each lot shall be shown entirely on one sheet. (Ord. 9417 § 2, 1975)

20.20.100 Established lines.
A. Whenever the city engineer has established the centerline of a street or alley such data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper references made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated.

B. The final map shall show city boundaries crossing or adjoining the subdivision clearly designated and tied in. (Ord. 9417 § 2, 1975)

20.20.110 Additional certificates on final subdivision maps.
In addition to certificates and other material required by the Subdivision Map Act and this title, every final subdivision map shall bear the following certificates or endorsements:

A. A certificate by the city treasurer and the director of sanitation and flood control, where applicable, to the effect that there are no unpaid special assessments or bonds which may be paid in full shown by the records in their offices against the subdivision or any part thereof;

B. A certificate by the clerk of the board of supervisors that the provisions of Division 2, Title 7 of the Government Code have been complied with regarding security for payment of taxes or special assessments collected as taxes on the property whenever any part of the subdivision is subject to a lien for taxes, or special assessments collected as taxes, which are not yet payable;

C. Certificate of the county recorder as to the filing of the map;

D. A certificate signed and sealed by the engineer/surveyor in accordance with Section 66441 of the Subdivision Map Act;

E. A certificate signed by the city engineer in accordance with Section 66442 of the Subdivision Map Act;

F. A certificate signed by the city engineer that the tentative map has been approved or conditionally approved by the decision-making authority;

G. Endorsement by the city attorney of his or her approval of the map as to form;

H. A certificate signed by the city engineer accepting, accepting subject to improvement, or rejecting all offers of dedication that are made by a statement on the map;

I. If applicable, a certificate signed by the city clerk attesting to the approval of the map by the city council and their acceptance, acceptance subject to improvement, or rejection on behalf of the public of all dedications shown thereon;

J. An owner’s certificate as required by Section 66436 of the Subdivision Map Act which shall bear the signatures of all parties owning any record title interest in the land subdivided except those which have been omitted pursuant to Section 66436 of the Subdivision Map Act. The names of any parties who own interests described in Section 66436 of the Subdivision Map Act and who have not signed the owner’s certificate shall be set forth in the owner’s certificate together with a description of their respective interests and the reasons why they have not signed the certificate. All such signatures of owners and others, whether individuals or corporations, must be properly signed and acknowledged before a notary public. In case a subdivision map is signed by a corporation, a certified copy of the resolution passed by the board of directors of such corporation authorizing that action must accompany the map;

K. Where dedications are required, a certificate offering to dedicate interests in real property for specified public purposes in accord with Section 66439 of the Subdivision Map Act. The certificate shall be prop-
20.20.115 Notice of owner’s development lien.
When an owner’s development lien has been created pursuant to the provisions of Article 2.5, commencing with Section 39327 of Chapter 3 of Part 23 of the California Education Code, on the real property or portion thereof subject to the final map, a notice as specified in Section 66434.1 of the California Government Code shall be placed on the face of a final map. (Ord. 9533 § 1, 1979)

20.20.120 Title company certificate and report.
Every final map submitted to the city council shall bear the certificate of a qualified title company that the parties who executed the owner’s certificate required by Section 66436 of the Subdivision Map Act are all the parties having any record title interest in the land subdivided. The certificate shall also set forth the names of the parties owning the interests set forth in Section 66436 of the Subdivision Map Act together with a description of the interests and the reasons the parties did not execute the owner’s certificate. The title company shall, on the date the final map will be transmitted to the county recorder, present to the county recorder a letter stating that on said date the names of the parties and the other facts set forth in the title company’s certificate were the same as shown by the certificate. (Ord. 9417 § 2, 1975)

20.20.130 Title company subdivision guarantee.
In lieu of the title company certificate required by Section 20.20.120, there may be filed with the city engineer a subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided. The title company shall, on the date the final map will be transmitted to the county recorder, present to the county recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the final or parcel map in the office of the county recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the office of the recorder. (Ord. 9417 § 2, 1975)

20.20.140 Approval as to form.
All final subdivision maps filed with or submitted to the city engineer shall be first submitted to the city attorney and approved as to form by him or her. (Ord. CS-192 § 22, 2012; Ord. 9417 § 2, 1975)

20.20.150 Stamping or printing of certificates.
The affidavits, certificates, acknowledgments and approvals required or permitted by this chapter or the Subdivision Map Act to appear upon maps may be legibly stamped or printed upon the map with opaque ink in such a manner as will guarantee a permanent record in black upon the tracing cloth or polyester base film. If ink is used on polyester base film, the ink surface shall be coated with suitable substance to assure permanent legibility. (Ord. 9417 § 2, 1975)

20.20.160 Soil reports.
When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, such fact shall be noted on the final map, together with the date of such report or reports, the name of the engineer making the soils report and geologist making the geologic report and the location
where the reports are on file. A copy of the soils report, geologic report or soils and geologic reports shall be filed with the city clerk and shall be kept on file for public inspection. (Ord. 9521 § 15, 1979; Ord. 9417 § 2, 1975)

20.20.165 Appeal of city engineer decision.  
The city engineer's approval or denial of a final map may be appealed to the city council, subject to the same requirements for appeals of planning commission decisions specified in Section 21.54.150 of this code. (Ord. CS-192 § 23, 2012)

20.20.170 Transmittal of final map.  
Upon approval of the final map, the city engineer shall transmit the map to the appropriate county agency pursuant to Government Code Section 66464 for filing with the county recorder. (Ord. CS-192 § 24, 2012; Ord. 9806 § 11, 1986; Ord. 9521 § 16, 1979)
Chapter 20.22

ENVIRONMENTAL SUBDIVISIONS

Sections:
20.22.010 Purpose and applicability.
20.22.020 Definition.
20.22.030 Parcel map required.
20.22.040 Required findings.
20.22.050 Improvements, dedications and design.
20.22.060 Abandon environmental subdivision.

20.22.010 Purpose and applicability.
A. This chapter is intended to implement Government Code Section 66418.2 which excepts, among other things, land being subdivided solely for the creation of an environmental subdivision from the require-
ment of a tentative and final map when five or more parcels are created.
B. This chapter shall apply only upon the written request of the landowner at the time the land is divided.
This section is not intended to limit or preclude subdivision by other lawful means for the mitigation of impacts to the environment, or of the land devoted to these purposes, or to require the division of land for these purposes. (Ord. CS-192 § 26, 2012; Ord. NS-677 § 1, 2003)

20.22.020 Definition.
"Environmental subdivision" means a subdivision of land pursuant to this chapter for biotic and wildlife pur-
poses that meets all of the conditions specified in Section 20.22.040. (Ord. NS-677 § 1, 2003)

20.22.030 Parcel map required.
A parcel map shall be required for environmental subdivisions, pursuant to applicable requirements specified in Chapters 20.24, 20.28 and 20.32 of this title. (Ord. CS-192 § 27, 2012; Ord. CS-164 § 11, 2011; Ord. NS-
677 § 1, 2003)

20.22.040 Required findings.
A. Prior to approving or conditionally approving an environmental subdivision, the decision-making author-
ity shall find each of the following:
1. That factual biotic or wildlife data, or both, are available to the city to support the approval of the subdivision, prior to approving or conditionally approving the environmental subdivision.
2. That provisions have been made for the perpetual maintenance of the property as a biotic or wild-
life habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.
3. That an easement will be recorded in the county in which the land is located to ensure compli-
ance with the conditions specified by any local, state, or federal agency requiring the mitigation. The easement shall contain a covenant with a county, city, or nonprofit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of im-
provements except those for which the right is expressly reserved in the instrument. Where the biotic or wildlife habitat, or both, are compatible, the city shall consider requiring the easement to con-
tain a requirement for the joint management and maintenance of the resulting parcels. This reservation shall not be inconsistent with the purposes of this section and shall not be incompati-
ble with maintaining and preserving the biotic or wildlife character, or both, of the land.
B. Notwithstanding Government Code Section 66411.1(a) (limiting required improvements to the dedication of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for parcels created by division of land which is not a subdivision of five or more lots), any improvement, dedication, or design required by the city as a condition of approval of an environmental subdivision shall be solely for the purposes of ensuring compliance with the conditions required by local, state, or federal agency requiring the mitigation.

C. After recordation of certificates of compliance for an environmental subdivision, a subdivider may only abandon an environmental subdivision by reversion to acreage pursuant to Chapter 20.40 and Government Code Section 66499.11, if the city finds that all of the following conditions exist:
   1. None of the parcels created by the environmental subdivision has been sold or exchanged.
   2. None of the parcels is being used, set aside, or required for mitigation purposes pursuant to this section.
   3. Upon abandonment and reversion to acreage pursuant to this subdivision, the easement for biotic and wildlife purposes is extinguished.

D. If the environmental subdivision is abandoned and reverts to acreage pursuant to subsection C of this section, all local, state, and federal requirements shall apply.

E. This section shall apply only upon the written request of the landowner at the time the land is divided. This section is not intended to limit or preclude subdivision by other lawful means for the mitigation of impacts to the environment, or of the land devoted to these purposes, or to require the division of land for these purposes. (Ord. CS-192 § 28, 2012; Ord. NS-677 § 1, 2003)

20.22.050 Improvements, dedications and design.
Notwithstanding Government Code Section 66411.1(a) (limiting required improvements to the dedication of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for parcels created by division of land which is not a subdivision of five or more lots), any improvement, dedication, or design required by the city as a condition of approval of an environmental subdivision shall be solely for the purposes of ensuring compliance with the conditions required by local, state, or federal agency requiring the mitigation. (Ord. CS-192 § 29, 2012)

20.22.060 Abandon environmental subdivision.
A. After recordation of a parcel map for an environmental subdivision, a subdivider may only abandon an environmental subdivision by reversion to acreage pursuant to Chapter 20.40 and Government Code Section 66499.11, if the city finds that all of the following conditions exist:
   1. None of the parcels created by the environmental subdivision has been sold or exchanged.
   2. None of the parcels is being used, set aside, or required for mitigation purposes pursuant to this section.
   3. Upon abandonment and reversion to acreage pursuant to this subdivision, the easement for biotic and wildlife purposes is extinguished.

B. If the environmental subdivision is abandoned and reverts to acreage pursuant to this section, all local, state, and federal requirements shall apply. (Ord. CS-192 § 29, 2012)
Chapter 20.24

MINOR SUBDIVISIONS—PROCEDURE

Sections:
20.24.010 Minor subdivision.
20.24.020 Tentative parcel map required.
20.24.030 Application and time limits for processing.
20.24.040 Information to be filed with tentative parcel map.
20.24.050 Grading plan.
20.24.065 Conversion of mobile home parks.
20.24.070 Replacement tentative parcel map.
20.24.080 Revised tentative parcel map.
20.24.090 Other department and agency review.
20.24.100 Assignment of certain responsibilities to the city planner.
20.24.115 Notices.
20.24.120 Decision-making authority.
20.24.130 Required findings.
20.24.135 Announcement of decision and findings of fact.
20.24.140 Effective date and appeals.
20.24.150 Waiver of parcel map.
20.24.160 Expiration of tentative parcel map.
20.24.185 Tentative parcel map amendment.
20.24.190 Vesting tentative parcel map.

20.24.010 Minor subdivision.
No person shall create a minor subdivision except in accordance with a parcel map approved pursuant to this title and the Subdivision Map Act and filed in the office of the county recorder unless such requirement for a parcel map is otherwise waived pursuant to Section 20.24.150. The provisions of this chapter shall not apply to:

A. The conveyance, transfer, creation or establishment of an easement for sewer, water or gas pipelines and appurtenances or electrical or telephone poles and lines or conduit and appurtenances;

B. The leasing of a dwelling on a lot which, together with all contiguous land owned by the same person or persons, has an area of less than 12,000 square feet;

C. The conveyance or transfer of land or any interest therein by or to the United States, state, county, city, school district, special district or public utility. (Ord. 9417 § 2, 1975)

20.24.020 Tentative parcel map required.
Any person proposing to create a minor subdivision pursuant to this title shall file with the city planner a tentative parcel map pursuant to the provisions of this chapter; provided, however, an adjustment plat may be filed in lieu of a tentative parcel map under the conditions specified in Chapter 20.36 of this title. The city planner shall not certify a parcel map pursuant to Section 66450 of the Subdivision Map Act unless prior thereto a tentative parcel map of the minor subdivision shown thereon shall have been filed with and approved pursuant to this chapter. (Ord. CS-192 § 31, 2012; Ord. 9417 § 2, 1975)
20.24.030 Application and time limits for processing.
A. An application for a tentative parcel map may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   1. Be made in writing on a form provided by the city planner;
   2. State fully the circumstances and conditions relied upon as grounds for the application; and
   3. Be accompanied by adequate plans, a legal description of the property involved, data specified by this title and all other materials as specified by the city planner.
B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council.
C. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the city planner, planning commission and the city council.
D. The city planner shall not accept a tentative parcel map for processing unless the city planner finds that:
   1. The requirements of Title 19 of this code have been met;
   2. The tentative parcel map is consistent with the provisions of Title 21 of this code and that all approvals and permits required by Title 21 for the project have been given or issued.
E. All tentative parcel maps shall be approved, conditionally approved or denied within the time limits specified by this title and the Subdivision Map Act.
   If the decision-making authority does not take action to approve, conditionally approve or deny the tentative parcel map within the time limits specified by this title or the Subdivision Map Act, the tentative parcel map as filed shall be deemed to be approved, insofar as it complies with other applicable requirements of this code and the Subdivision Map Act.
F. Notwithstanding the provisions of subsections D and E of this section, a tentative parcel map may be processed concurrently with other development permits or approvals required for the project required by Titles 19 or 21 of this code, if the subdivider for the tentative parcel map first waives the time limits for processing, approving or conditionally approving or disapproving a tentative parcel map provided by this title or the Subdivision Map Act. Pursuant to the provisions of Chapter 19.04 of this code, a project may be processed according to this chapter but still not be deemed complete until the environmental documents are completed. (Ord. CS-192 § 31, 2012; Ord. 9760 § 10, 1985; Ord. 9559 § 3, 1980; Ord. 9417 § 2, 1975)

20.24.040 Information to be filed with tentative parcel map.
Such information as may be prescribed by the rules and regulations approved by the city council pursuant to Section 20.04.060 of this title and such additional information as the city planner may find necessary with respect to any particular case to implement the provisions of this title shall accompany the tentative parcel map at the time of submission. (Ord. CS-192 § 31, 2012; Ord. 9417 § 2, 1975)

20.24.050 Grading plan.
There shall be filed with each tentative parcel map a grading plan showing graded building site elevations and grading proposed for the creation of building sites or for construction or installation of improvements to serve the subdivision. The grading plan together with the original topographical contours may both be shown on the tentative parcel map. In the event no such grading is proposed, a statement to that effect shall be placed on the tentative parcel map. This plan shall indicate approximate earthwork volumes of proposed excavation and filling operations. (Ord. 9417 § 2, 1975)
Theor shall be filed with each tentative parcel map a current preliminary title report of the property being subdivided or altered. (Ord. CS-192 § 32, 2012; Ord. 9417 § 2, 1975)

20.24.065 Conversion of mobile home parks.
At the time of filing a tentative parcel map for a subdivision to be created from the conversion of a mobile home park to another use, the subdivider shall also file a report specified by Section 66427.4 of the California Government Code and, if applicable, Section 21.37.110(B)(3) of this code. In determining the impact of the conversion on displaced mobile home park residents, the report shall address the availability of adequate replacement space in mobile home parks. The subdivider shall make a copy of the report available to each resident of the mobile home park within 15 days of the filing of the tentative parcel map. The subdivider shall also provide all notices required by Section 21.37.120 of this code. The city planner may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobile home park residents to find adequate space in a mobile home park, and shall make all the findings required by Section 21.37.120. (Ord. CS-192 § 32, 2012)

20.24.070 Replacement tentative parcel map.
A replacement tentative parcel map shall be submitted when the city planner finds that the number or nature of the changes necessary for approval are such that they cannot be shown clearly or simply on the original tentative parcel map. (Ord. CS-192 § 32, 2012; Ord. 9417 § 2, 1975)

20.24.080 Revised tentative parcel map.
Where a subdivider desires to revise an approved tentative parcel map, the subdivider may file with the city planner, prior to the expiration of the approved tentative parcel map, a revised tentative parcel map on payment of the fees specified in Section 20.08.060. (Ord. CS-192 § 32, 2012; Ord. 9417 § 2, 1975)

20.24.090 Other department and agency review.
A. Within five working days after a tentative parcel map has been filed, the city planner shall transmit copies of the tentative parcel map together with accompanying information to such public agencies and public and private utilities as the city planner determines may be concerned. Each of the public agencies and utilities may, within 10 working days after the map has been sent to such agency, forward to the city planner a written report of its findings and recommendations thereon.
B. The city planner shall obtain the recommendations of other city departments, governmental agencies or special districts as may be deemed appropriate or necessary by the city planner in order to carry out the provisions of this title. (Ord. CS-192 § 32, 2012; Ord. NS-676 § 14, 2003; Ord. 1261 § 33, 1983; Ord. 9467 § 7, 1976; Ord. 9417 § 2, 1975)

20.24.100 Assignment of certain responsibilities to the city planner.
The responsibilities of the city council pursuant to Sections 66473.5, 66474, 66474.1 and 66474.6 of the Subdivision Map Act and the responsibilities of the planning commission pursuant to Section 65402 of the Government Code and Section 2.24.065 of this code are assigned to the city planner with respect to those tentative parcel maps filed pursuant to this chapter. (Ord. CS-192 § 32, 2012; Ord. 9424 § 3, 1975; Ord. 9417 § 2, 1975)

Whenever the subdivider is required by this title or the Subdivision Map Act to give any notice or provide any report or information to any person other than the city, the subdivider shall submit proof sufficient to allow the city planner to find that the notice has been given or the reports or information provided. Such proof may include declarations under penalty of perjury. (Ord. CS-192 § 32, 2012; Ord. 9417 § 2, 1975)
20.24.115 Notices.
A. Notice of an application for a tentative parcel map shall be given pursuant to the provisions of Section 21.54.061 of this title and the following:

1. At least 10 calendar days prior to a decision on the application, written notice shall be given as follows:
   a. Notice by mail. Mailed or delivered to:
      i. The owner of the subject real property or the owner’s duly authorized agent.
      ii. The subdivider and/or the subdivider’s representative.
      iii. All owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the tentative parcel map. In lieu of utilizing the assessment roll, records of the county assessor or tax collector that contain more recent information than the assessment roll may be used. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, in lieu of mailed or delivered notice, notice may be given by placing a display advertisement of at least one-eight page in at least two newspapers of general circulation within the city.
      iv. All occupants within 100 feet of the subject property and to the area office of the California Coastal Commission. This requirement applies to minor coastal development permits only.
      v. Any person who has filed a written request for notice with the city clerk. The city clerk shall charge a fee established by city council resolution which is reasonably related to the costs of providing this service. Each request shall be annually renewed.
      vi. When a tentative parcel map is for the conversion of existing residential real property to a condominium project, community apartment project or stock cooperative project, the notice required by this section shall be sent to all tenants of the project.

2. Once notice has been given in accordance with this section, any person may file written comments or a written request to be heard within 10 calendar days of the date of the notice. If a written request to be heard is filed, the city planner shall:
   a. Schedule an administrative hearing; and
   b. Provide written notice at least five calendar days prior to the date of the administrative hearing to the owner of the subject real property or the owner’s duly authorized agent, the project applicant and/or applicant’s representative, and any person who filed written comments or a written request to be heard.

B. The failure by any person to receive the notice specified herein shall not invalidate any action taken pursuant to this title. (Ord. CS-192 § 32, 2012; Ord. 9626 § 8, 1982; Ord. 9602 § 18, 1981; Ord. 9532 § 3, 1979)

20.24.120 Decision-making authority.
A. The city planner shall have the authority to approve, conditionally approve or deny a tentative parcel map based upon review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at an administrative hearing if one is conducted pursuant to the provisions of Section 21.24.110 of this title.

B. The city planner may approve or conditionally approve the tentative parcel map if all of the findings of fact in Section 20.24.130 of this chapter are found to exist.

1. Whenever the city planner approves or conditionally approves a tentative parcel map providing for supplemental size of improvements, the establishment of benefit districts, the execution of reimbursement agreements or the setting of fees under any of the provisions of Section 20.08.130
or 20.08.140; Chapter 20.09; or Section 20.16.041, 20.16.042 or 20.16.043, the map shall be forwarded to the city council, which shall hold a public hearing on the issue of the improvements.

2. Any decision to approve or conditionally approve a tentative parcel map shall include a description, pursuant to the provisions of this title, of the kind, nature and extent of any improvements required to be constructed or installed in or to serve the subdivision. However, where the city planner does not prescribe the kind, nature or extent of the improvements to be constructed or installed, improvements shall be constructed and installed in accordance with the city standards.

3. Any decision to disapprove a tentative parcel map shall be accompanied by a finding, identifying the requirements or conditions which have not been met or performed. (Ord. CS-192 § 32, 2012; Ord. 9417 § 2, 1975)

20.24.130 Required findings.
The decision-making authority may approve, or conditionally approve a tentative parcel map if all of the findings in Section 20.12.091 of this title and the following findings are made:

A. The land proposed for division was created legally, or the lot or parcel has been approved by the city and a certificate of compliance relative thereto has been filed with the county recorder;

B. The subdivision does not create five or more lots, inclusive of the total number of lots in a parcel map of which the subject land is a part of and which was approved or recorded less than two years prior to the filing of the subject tentative parcel map;

C. The land proposed for division is not part of an approved tentative parcel map wherein the parcel map requirement was waived pursuant to provisions of this division and a certificate of compliance has been filed with the county recorder pursuant to Chapter 20.48 of this title. (Ord. CS-192 § 32, 2012; Ord. 9806 § 12, 1986; Ord. 9760 § 11, 1985; Ord. 9602 § 20, 1981; Ord. 9559 § 4, 1980; Ord. 9521 § 17, 1979; Ord. 9417 § 2, 1975)

20.24.135 Announcement of decision and findings of fact.
A. When a decision on a tentative parcel map is made pursuant to this chapter, the decision-making authority shall announce its decision and findings in writing.

B. The announcement of decision and findings shall include:
   1. A statement that the tentative parcel map is approved, conditionally approved, or denied;
   2. The facts and reasons which, in the opinion of the decision-making authority, make the approval or denial of the tentative parcel map necessary to carry out the provisions and general purpose of this title;
   3. Such conditions and limitations that the decision-making authority may impose in the approval of the tentative parcel map.

C. The announcement of decision and findings shall be mailed to:
   1. The owner of the subject real property or the owner's duly authorized agent, the subdivider and/or the subdivider's representative at the address or addresses shown on the application filed with the planning division;
   2. Any person who has filed a written request for a notice of decision;
   3. Any person who filed a written request for an administrative hearing or to be heard at an administrative hearing. (Ord. CS-192 § 33, 2012)

20.24.140 Effective date and appeals.
Decisions on tentative parcel maps shall become effective as of the date specified by the decision-making authority unless appealed and processed in accordance with the provisions of Section 21.54.140 of this
20.24.150 Waiver of parcel map.
A. Other provisions of this title to the contrary notwithstanding, the requirement that a parcel map be prepared, filed with the city engineer and recorded may be waived, provided a finding is made by the city engineer or, on appeal, by the planning commission or city council, that the proposed subdivision complies with the requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this title and the Subdivision Map Act and with the requirements of the public facilities element of the general plan and the provisions of Chapter 20.44 of this title which would otherwise apply to the proposed subdivision.
B. An applicant for a minor subdivision pursuant to this section shall pay the fee prescribed by Section 20.08.060 for tentative parcel maps and shall file an application and request for parcel map waiver which shall contain sufficient information in the opinion of the city engineer to enable the city engineer or, on appeal, the planning commission or city council, to make the findings required by this section. The following types of subdivisions are deemed to comply with the findings required by this section for waiver of the parcel map unless the city engineer or, on appeal, the planning commission or city council finds, based on substantial evidence that public policy necessitates a parcel map, such map shall not be required for the following:
1. Short-term leases, terminable by either party on 30 days' notice, of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code;
2. Land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way shall include a fee interest, a leasehold interest, an easement or a license.
C. The following minor subdivisions, provided dedications or improvements are not required by the city engineer, or on appeal the planning commission or city council, as condition of approval in the absence of evidence to the contrary, are deemed to comply with the findings required by this section for waiver of the parcel map:
1. A minor subdivision wherein each resulting lot or parcel contains a gross area of 40 acres or more, or each of which is a quarter-quarter section or larger;
2. A minor subdivision only for the purpose of leasing the lots resulting from such subdivision;
3. A major subdivision as specified in Section 20.20.050 of this title.
D. The processing of any application pursuant to this section shall be subject to the same time requirements and procedures as are provided in this title for tentative parcel maps. The city engineer's decision to waive a parcel map may be appealed in the same manner as the appeal of city planner decisions pursuant to the provisions of Section 21.54.140 of this code. In any case, where waiver of the parcel map is granted by the city engineer, or on appeal by the planning commission or city council, the city engineer shall cause to be filed for record with the county recorder a certificate of compliance pursuant to Chapter 20.48 of this title. (Ord. CS-192 § 34, 2012; Ord. NS-636 § 3, 2002; Ord. 9521 § 18, 1979; Ord. 9504 §§ 1, 2, 1978; Ord. 9417 § 2, 1975)

20.24.160 Expiration of tentative parcel map.
A. The provisions for the expiration of tentative maps specified in Section 20.12.100 of this title shall be applicable to tentative parcel maps.
B. Prior to the expiration of the tentative parcel map, a parcel map conforming to the requirements of Chapter 20.32 of this title may be filed with the city engineer for approval. The parcel map shall be deemed filed on the date it is received by the city engineer. Once a timely and complete filing has been
made pursuant to this section, subsequent actions of the city, including, but not limited to, processing, approving and recording, may occur after the date of expiration of the tentative map. (Ord. CS-192 § 34, 2012; Ord. CS-032 § 2, 2009; Ord. 9830 § 2, 1987; Ord. 9680 § 8, 1983; Ord. 9525 § 1, 1979; Ord. 9417 § 2, 1975)

The provisions for the extension of tentative maps specified in Section 20.12.110 of this title shall be applicable to tentative parcel maps. (Ord. CS-192 § 34, 2012; Ord. CS-135 § 10, 2011; Ord. CS-003 §§ 2, 4, 2008; Ord. NS-422 § 4, 1997; Ord. 9417 § 2, 1975)

20.24.185 Tentative parcel map amendment.
The provisions for amendments to tentative maps specified in Section 20.12.120 of this title shall be applicable to tentative parcel maps. (Ord. CS-192 § 35, 2012)

20.24.190 Vesting tentative parcel map.
A vesting tentative parcel map may be filed and processed in the same manner and subject to the same requirements as a tentative parcel map except as provided in Chapter 20.17. (Ord. 9788 § 7, 1986)
Chapter 20.28

MINOR SUBDIVISIONS—REQUIREMENTS

Sections:

20.28.010 Design of minor subdivisions.
20.28.020 Panhandle-shaped lots.
20.28.030 Dedication and access.
20.28.040 Waiver of direct access to streets.
20.28.050 Dedication procedure.
20.28.060 Required improvements.
20.28.070 Agreement to improve.
20.28.090 Lien contract for improvements.
20.28.095 Off-site improvements—Acquisition of property interests.
20.28.100 Covenant not to oppose an improvement district.
20.28.110 Monuments and flagging.

20.28.010 Design of minor subdivisions.
Except as otherwise provided in this title, all minor subdivisions shall conform to the lot design requirements of Section 20.16.010 of this title. (Ord. 9417 § 2, 1975)

20.28.020 Panhandle-shaped lots.
Other provisions of this title notwithstanding, a panhandle-shaped or flag-shaped lot, if permitted by Title 21, shall have a minimum frontage of 20 feet on a dedicated public street or publicly dedicated easement accepted by the city. Panhandles may not serve as access to any lot except the lot of which the panhandle is a part.

Where the panhandle or flag-shaped portion of a lot is adjacent to the same portion of another such lot, the required minimum frontage on such street or easement shall be 15 feet provided a joint easement ensuring common access to both such portions is agreed upon by the property owners and recorded. (Ord. 9467 § 8, 1976; Ord. 9417 § 2, 1975)

20.28.030 Dedication and access.
No parcel map filed pursuant to Chapter 20.32 of this title shall be approved by the city engineer unless and until the following conditions have been satisfied:

A. There shall be offered for dedication, pursuant to Section 20.28.050 of this title, right-of-way for streets in accordance with the circulation element of the general plan, any applicable master plans, specific plans or other officially adopted street plans and the city standards within and adjacent to the boundaries of the land to be subdivided.

B. Streets which are proposed on the boundaries of a subdivision shall be offered for dedication to a width of no less than 42 feet. In the event that the offer of dedication for the streets is to be accepted prior to final approval of the parcel map, a strip of land one foot wide extending along the outer edge of the land offered for dedication may be required to be offered to the city for street purposes and over which access rights are relinquished.

C. Offers of dedication for streets which will be accepted before final approval of the parcel map and which streets are proposed to be terminated at the boundary of the minor subdivision may be required to include a strip of land one foot wide extending across the street at its point of termination at the boundary which shall be portions of the adjacent lots, offered for street purposes and over which access rights are relinquished.
D. Whenever any land to be subdivided is bounded by an inlet, bay, estuary, lagoon, river, stream or by the Pacific Ocean, there shall be a street along such inlet, bay, estuary, lagoon, river, stream or ocean front, or adequate public access to and along such boundary shall be provided or be made otherwise available in lieu of such street or any combination as the city engineer may require to insure compliance with Chapter 4, Article 3.5 of the Subdivision Map Act.

E. Easements for public utilities and drainage-ways shall be offered for dedication in the manner prescribed by Section 20.28.050 of this title as required by the city engineer when he or she determines that such offers of dedication are necessary to serve the subdivision and/or are a reasonable and logical extension of such facilities as exist in the vicinity. (Ord. 9417 § 2, 1975)

20.28.040 Waiver of direct access to streets.
The city engineer may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a parcel map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access. (Ord. 9417 § 2, 1975)

20.28.050 Dedication procedure.
Pursuant to Section 66447 of the Subdivision Map Act, all dedications or offers of dedication required by the provisions of this chapter shall be by separate instrument and shall be completed prior to filing of the parcel map or by certificate on the parcel map as the city engineer may elect. An offer of dedication shall be in such terms as to be binding on the owner, his or her heirs, assigns or successors in interest, and except as provided in subsection B of Section 66477.2 of the Subdivision Map Act, shall continue until such dedication is accepted or the offer is abandoned or otherwise terminated. Any such dedication or offer of dedication shall be free of any burden or encumbrance which would interfere with the purposes of which the dedication or offer of dedication is required. The subdivider shall provide a current preliminary title report or equivalent proof of title satisfactory to the city engineer. The city engineer is authorized to accept dedications or offers of dedication or to reject such offers on behalf of the city. (Ord. 9417 § 2, 1975)

20.28.060 Required improvements.
A. As a condition precedent to the approval of a parcel map for a minor subdivision, the subdivider shall construct all off-site and onsite improvements in accordance with the requirements applicable to major subdivisions as set forth in Section 20.16.040 of this title for the parcels being created; provided, however, that requirements for the construction of such off-site and onsite improvements shall be noticed by certificate on the parcel map, in the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.

B. Fulfillment of such construction requirements shall not be required until at or after such time as a building or grading permit is issued by the city or at such time as may be provided by an agreement between the subdivider and the city pursuant to Section 20.28.070, except that in the absence of such agreement the city engineer may require fulfillment of some or all of such construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a building or grading permit for the development of a parcel upon a finding that fulfillment of such construction requirements is necessary for reasons of public health and safety or that the construction is a necessary prerequisite to the orderly development of the surrounding area. (Ord. 9521 § 19, 1979; Ord. 9417 § 2, 1975)

20.28.070 Agreement to improve.
Unless the subdivider elects, with the consent of the city engineer, to construct the improvements required by Section 20.28.060 prior to approval of the parcel map, the subdivider shall execute an agreement to construct such improvements or to otherwise comply with the requirements of this title and with the conditions of
approval for the tentative parcel map for the subdivision prior to approval of the parcel map. If the subdivider consents, the agreement may provide for the construction of such improvements prior to issuance by the city of a building or grading permit for a parcel within the subdivision. The subdivider shall provide improvement security in accord with Sections 20.16.070, 20.16.080, 20.16.090 and 20.16.100 of this title. In addition, the subdivider shall prepare and deposit with the city clerk detailed plans and specifications of the improvements to be constructed, and such plans and specifications shall be made a part of any such agreement and of the improvement security. The city manager is authorized to execute such agreements on behalf of the city. (Ord. 9521 § 19, 1979; Ord. 9417 § 2, 1975)

20.28.090 Lien contract for improvements.
In lieu of constructing or agreeing under Section 20.28.070 to construct any required improvements, the city engineer may require the subdivider to enter into an agreement with the city to construct the improvements in the future, and require the subdivider to grant the city a lien on the property to be divided securing such future improvements. The lien granted under authority herein may be used to secure future improvements in easements, rights-of-way or irrevocable offers of dedication or any other improvements or conditions of the map. The city manager is authorized to sign such agreements on behalf of the city. (Ord. 9417 § 2, 1975)

20.28.095 Off-site improvements—Acquisition of property interests.
Whenever a subdivider is required as a condition of a tentative parcel map to construct or install off-site improvements on property which neither the subdivider nor the city owns, then not later than 60 days prior to filing the parcel map for approval the subdivider shall provide the city with sufficient information, reports and data, including but not limited to an appraisal and title report, to enable the city to commence proceedings pursuant to Title 7 of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property pursuant to Article 3 of said title. The subdivider shall agree pursuant to Section 20.28.070 to complete the improvements at such time as the city has a sufficient interest in the property to permit the construction of the improvements. The subdivider shall bear all costs associated with the acquisition of the property interests and the estimated cost thereof shall be secured as provided in Section 20.28.070. (Ord. 9680 § 6, 1983)

20.28.100 Covenant not to oppose an improvement district.
In connection with a lien contract under Section 20.28.090, the city engineer may require that the subdivider execute a covenant not to oppose the formation of an improvement district. The city manager is authorized to sign such covenants on behalf of the city. (Ord. 9417 § 2, 1975)

20.28.110 Monuments and flagging.
Every parcel map shall show monuments which shall be set by a licensed surveyor or engineer in accordance with Section 20.16.050 of this title provided that two-inch iron pipes at least 24 inches long for exterior boundary monumentation are not required unless the city engineer determines that the exterior boundary cannot be adequately monumented by monuments of a lesser standard, and further provided that monumentation of the exterior boundary of a remainder parcel need not be placed or shown on the parcel map. The monuments shall be set prior to the approval of the map unless the setting thereof is deferred by the city engineer in accordance with Section 66496 of the State Government Code. The city engineer is authorized to accept monumentation agreements and securities for parcel maps on behalf of the city. (Ord. 9680 § 10, 1983; Ord. 9417 § 2, 1975)
Chapter 20.32

PARCEL MAP REQUIREMENTS

Sections:
- 20.32.010 Maps to conform to requirements of approved tentative parcel map.
- 20.32.020 City engineer to approve parcel maps.
- 20.32.030 Land subject to inundation.
- 20.32.040 Additional certificates on parcel maps.
- 20.32.050 Title company subdivision guarantee.
- 20.32.060 Stamping or printing of certificates.
- 20.32.070 Additional data on parcel maps.
- 20.32.080 Transmittal of parcel maps.

20.32.010 Maps to conform to requirements of approved tentative parcel map.
All parcel maps shall conform to the requirements of the Subdivision Map Act and this chapter and also shall
conform to the requirements specified in the approval or conditional approval of the tentative parcel map.
(Ord. CS-192 § 37, 2012; Ord. 9417 § 2, 1975)

20.32.020 City engineer to approve parcel maps.
A. The city engineer is authorized to approve or deny parcel maps.
B. The city engineer shall not consider a parcel map unless there is a valid tentative parcel map for the
subdivision.
C. No parcel map shall be filed in the office of the county recorder until approved by the city engineer, but
such map shall be disapproved only for failure to meet or perform requirements or conditions which
were applicable to the subdivision at the time of approval of the tentative parcel map, providing that
any such disapproval shall be accompanied by a finding identifying the requirements or conditions
which have not been met or performed. The city engineer may waive any failure of the map to meet
such requirements and conditions if such failure is a result of a technical and inadvertent error, which in
the determination of the city engineer doesn’t materially affect the validity of the map. (Ord. CS-192 §
37, 2012; Ord. 9521 § 20, 1979; Ord. 9417 § 2, 1975)

20.32.030 Land subject to inundation.
Lots or portions of lots shown on a parcel map which are subject to inundation as determined by the city en-
gineer shall be identified and so labeled. (Ord. 9417 § 2, 1975)

20.32.040 Additional certificates on parcel maps.
In addition to the certificates and other material required by the Subdivision Map Act and this title, a parcel
map shall bear the following certificates:
A. A certificate by the city engineer that the map complies with all the provisions of this title and conforms
to the approved tentative parcel map or, in the case of a parcel map for a major subdivision filed pur-
suant to Section 20.20.050 of this title, to the approved tentative map;
B. A certificate by the city engineer that the map does not appear to be a map of a major subdivision for
which a final map is required pursuant to Section 66426 of the Subdivision Map Act;
C. A certificate as required by Section 20.20.110(I); provided, however, with respect to a division of land
into four or fewer parcels where dedications or offers of dedications are not required, the certificate
shall be signed and acknowledged by the subdivider only; provided, however, where a subdivider does
not have a record title ownership interest in the property to be divided, the city engineer may require
that the subdivider provide him or her with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this subsection, “record title ownership” shall mean fee title of record unless a leasehold interest is to be divided, in which case “record title ownership” shall mean ownership of record of such leasehold interest; “record title ownership” does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface;

D. A dedication certificate as required by Section 20.20.110(J);

E. An engineer’s/surveyor’s certificate, in accordance with Section 66449(a) of the Subdivision Map Act;

F. A recorder’s certificate, in accordance with Section 66449(b) of the Subdivision Map Act;

G. A certificate signed by the city engineer attesting to his or her acceptance or rejection on behalf of the public of all dedications shown thereon;

H. A certificate by the engineer or surveyor responsible for preparation of the map stating that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced;

I. Additional information as required by the city engineer which may include, but is not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, airport influence areas, archaeological sites and other restricted areas. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. (Ord. NS-172 § 2, 1991; Ord. 9680 § 11, 1983; Ord. 9521 § 21, 1979; Ord. 9417 § 2, 1975)

20.32.050 Title company subdivision guarantee.
There shall be filed with the city engineer a subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided. The title company shall, on the date the parcel map will be transmitted to the county recorder, present to the county recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the parcel map in the office of the county recorder the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the office of the county recorder. (Ord. 9417 § 2, 1975)

20.32.060 Stamping or printing of certificates.
The affidavits, certificates, acknowledgments and approvals required or permitted by this chapter or the Subdivision Map Act to appear upon parcel maps may be legibly stamped or printed upon the map with opaque ink in such a manner as will guarantee a permanent record in black upon the tracing cloth or polyester base film. If ink is used on polyester base film, the base surface shall be coated with a suitable substance to assure permanent legibility. (Ord. 9417 § 2, 1975)

20.32.070 Additional data on parcel maps.
Additional data on parcel maps shall be as listed in Section 20.20.060 of this title. (Ord. 9417 § 2, 1975)

20.32.080 Transmittal of parcel maps.
After approval by the city engineer and after he or she certifies that all applicable requirements of the Subdivision Map Act and this code have been satisfied, the city engineer shall transmit the map to the city clerk. The city clerk shall transmit such maps directly to the county recorder unless otherwise required by Section 66464 of the Government Code. (Ord. 9806 § 13, 1986; Ord. 9521 § 22, 1979)
Chapter 20.36

ADJUSTMENT PLATS

Sections:
20.36.010 Purpose of chapter.
20.36.020 Applicability.
20.36.030 Application.
20.36.040 Decision-making authority.
20.36.050 Revised adjustment plat.
20.36.060 Conditions of approval.
20.36.070 Certification.
20.36.075 Announcement of decision and findings of fact.
20.36.080 Appeal of city engineer decision.

20.36.010 Purpose of chapter.
The purpose of this chapter is to provide a simplified procedure for the adjustment of property boundaries or the consolidation of adjacent lots or parcels where no additional lots or parcels will result. (Ord. 9521 § 23, 1979; Ord. 9417 § 1, 1975; Ord. 9412 § 1, 1974)

20.36.020 Applicability.
Notwithstanding any other provisions of this title to the contrary, the procedure set forth in this chapter shall govern the processing of and requirements for adjustment plats. An adjustment plat may be filed in accord with the provisions of this chapter to adjust the boundaries between four or fewer adjoining parcels, provided the city engineer determines that the boundary adjustment does not:
A. Create any additional lots;
B. Involve adjustments between five or more existing adjoining parcels;
C. Include a lot or parcel created illegally unless a certificate of compliance pursuant to Chapter 20.48 of this code has been approved and recorded for such lot or parcel;
D. Impair any existing access or create a need for a new access to any adjacent lot or parcel;
E. Impair any existing easement or create a need for a new easement;
F. Violate the general plan or the local coastal plan;
G. Violate the provisions of Title 18, 21 or 22 of this code;
H. Alter the city limit boundary;
I. Require substantial alterations of existing public improvements or create a need for a new public improvement;
J. Adjust the boundary between lots or parcels which are subject to an agreement for public improvements unless the city engineer finds that the proposed adjustment plat will not materially affect such agreement or the security therefor. (Ord. NS-636 § 1, 2002; Ord. 9806 § 14, 1986; Ord. 9521 § 23, 1979; Ord. 9417 § 1, 1975; Ord. 9412 § 1, 1974)

20.36.030 Application.
A. An application for an adjustment plat may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   1. Be made in writing on a form provided by the city engineer;
   2. State fully the circumstances and conditions relied upon as grounds for the application; and
3. Be accompanied by adequate plans, a legal description of the property involved, data specified by this title and all other materials as specified by the city engineer.

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

C. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the city engineer and the city council.

D. The city engineer shall not accept an adjustment plat for processing unless the city engineer finds that:
   1. The requirements of Title 19 of this code have been met;
   2. The adjustment plat is consistent with the provisions of Title 21 of this code and that all approvals and permits required by Title 21 for the project have been given or issued. (Ord. CS-192 § 39, 2012; Ord. 9760 § 12, 1985; Ord. 9521 § 23, 1979; Ord. 9417 § 1, 1975; Ord. 9412 § 1, 1974)

20.36.040 Decision-making authority.
The city engineer shall approve the adjustment plat if the city engineer finds that the request complies with the requirements of this chapter. (Ord. CS-192 § 39, 2012; Ord. 9417 § 1, 1975; Ord. 9412 § 1, 1974)

20.36.050 Revised adjustment plat.
A revised adjustment plat shall be submitted for approval when the city engineer finds that the number or nature of any changes necessary for approval are such that they cannot be shown clearly or simply on the original adjustment plat. When required, the failure to file a revised adjustment plat within six months from the date of the conditional approval of the original plat shall terminate all proceedings. (Ord. 9417 § 1, 1975; Ord. 9412 § 1, 1974)

20.36.060 Conditions of approval.
The city engineer may impose conditions or exactions on the approval of an adjustment plat between four or fewer existing adjoining parcels to the extent that the conditions or exactions are necessary to ensure compliance with the general plan, local coastal plan and applicable provisions of the city’s zoning and building laws, pertaining to lots (Titles 21 and 18 of this code), including lot frontage, depth and area, access, and requirements such as setbacks, lot coverage and parking, or to facilitate the relocation of existing utilities, infrastructure or easements. The conditions imposed by the city engineer shall be satisfied prior to the recordation of the adjustment plat or such other document authorized by law to effectuate the lot line adjustment. Lot line adjustments between five or more existing adjoining parcels shall be subject to the provisions of the Subdivision Map Act, including the requirement for the filing of a tentative and final map. (Ord. NS-636 § 2, 2002; Ord. 9806 § 15, 1986; Ord. 9417 § 1, 1975; Ord. 9412 § 1, 1974)

20.36.070 Certification.
A. If the city engineer determines that the adjustment plat meets all the requirements of the municipal code and that any conditions imposed have been satisfied, the city manager shall certify on the adjustment plat that it has been approved pursuant to this chapter, notify the city planner and file it in the engineering department. The city engineer shall cause to be filed with the county recorder a certificate of compliance, having as an attachment a copy of the approved adjustment plat.

B. In addition to the procedures established by subsection A of this section, a lot line adjustment may be effectuated by the recordation of the deed or record of survey; provided, however, that such deed or record of survey shall not be recorded unless it contains a certification by the city engineer that all the requirements of this chapter and any condition imposed pursuant to this chapter have been satisfied.
20.36.075 Announcement of decision and findings of fact.
A. When a decision on an adjustment plat is made pursuant to this chapter, the decision-making authority shall announce its decision and findings in writing.
B. The announcement of decision and findings shall include:
1. A statement that the adjustment plat is approved, conditionally approved, or denied;
2. The facts and reasons which, in the opinion of the decision-making authority, make the approval or denial of the adjustment plat necessary to carry out the provisions and general purpose of this title;
3. Such conditions and limitations that the decision-making authority may impose in the approval of the adjustment plat.
C. The announcement of decision and findings shall be mailed to the owner of the subject real property or the owner’s duly authorized agent, the subdivider and/or the subdivider’s representative at the address or addresses shown on the application filed with the engineering division. (Ord. CS-192 § 41, 2012)

20.36.080 Appeal of city engineer decision.
The city engineer’s approval or denial of a final map may be appealed to the city council, subject to the same requirements for appeals of planning commission decisions specified in Section 21.54.150 of this code. (Ord. CS-192 § 42, 2012; Ord. 9521 § 23, 1979)
Chapter 20.40

REVERSIONS TO ACREAGE*

Sections:
20.40.010 Reversions to acreage by final map.
20.40.020 Application.
20.40.030 Data for reversion to acreage.
20.40.040 Notices and hearings.
20.40.050 Decision-making authority.
20.40.055 Required findings.
20.40.060 Conditions of approval.
20.40.065 Announcement of decision and findings of fact.
20.40.070 Return of fees and deposits—Release of securities.
20.40.080 Delivery of final map.
20.40.090 Effect of filing reversion map with the county recorder.

* Prior ordinance history: Ord. Nos. 9417 and 9532.

20.40.010 Reversions to acreage by final map.
Subdivided property may be reverted to acreage pursuant to the provisions of this chapter. (Ord. CS-192 § 44, 2012)

20.40.020 Application.
A. The city council, on its own motion, may by resolution initiate proceedings to revert property to acreage and direct the city engineer to obtain the necessary information to initiate and conduct the proceedings; or
B. An application to revert subdivided property to acreage may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   1. Be made in writing on a form provided by the city engineer;
   2. State fully the circumstances and conditions relied upon as grounds for the application; and
   3. Be accompanied by all data specified in Section 20.40.030 of this chapter and all other materials as specified by the city engineer.
C. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council.
D. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the city engineer and the city council.
E. The city engineer shall not accept an application to revert subdivided property to acreage for processing unless the city engineer finds that:
   1. The requirements of Title 19 of this code have been met;
   2. The application to revert subdivided property to acreage is consistent with the provisions of Title 21 of this code and that all approvals and permits required by Title 21 for the project have been given or issued. (Ord. CS-192 § 44, 2012)
20.40.030 **Data for reversion to acreage.**
Applicants for a reversion to acreage shall file the following:

A. Evidence of title to the real property; and
B. Evidence of the consent of all of the owners of an interest(s) in the property; or
C. Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
D. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record; or
E. A tentative map in the form prescribed by Chapter 20.12 of this title; or
F. A final map in the form prescribed by Chapter 20.20 of this title which delineates dedications which will not be vacated and dedications required as a condition to reversion. (Ord. CS-192 § 44, 2012)

20.40.040 **Notices and hearings.**
A. Notice of the public hearing for an application to revert subdivided property to acreage shall be given pursuant to Sections 21.54.060 and 21.54.061 of this code.
B. Failure by any person to receive notice specified in this section shall not invalidate any action taken pursuant to this title. (Ord. CS-192 § 44, 2012)

20.40.050 **Decision-making authority.**
A. The city council shall have the authority to approve, conditionally approve or deny a reversion of subdivided property to acreage based upon its review of the facts as set forth in the application if one is required and submitted pursuant to this chapter, the circumstances of the particular case, and evidence presented at a public hearing.
B. The city council may approve or conditionally approve the reversion of subdivided property to acreage if all of the findings of fact in Section 20.40.055 of this chapter are found to exist. (Ord. CS-192 § 44, 2012)

20.40.055 **Required findings.**
The city council may approve a reversion to acreage only if it finds and records in writing that:

A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
B. Either:
   1. All owners of an interest in the real property within the subdivision have consented to reversion; or
   2. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
   3. No lots shown on the final or parcel map were filed for record. (Ord. CS-192 § 45, 2012)

20.40.060 **Conditions of approval.**
The city council shall require as a condition of the reversion:

A. The dedication or offer of dedication necessary for the purposes specified by this title following reversion;
B. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this title. (Ord. CS-192 § 46, 2012)

20.40.065 Announcement of decision and findings of fact.
A. When a decision on a reversion to acreage is made pursuant to this chapter, the city council shall announce its decision and findings by formal resolution.
B. The announcement of decision and findings shall include:
   1. A statement that the tentative map is approved, conditionally approved, or denied;
   2. The facts and reasons which, in the opinion of the city council, make the approval or denial of the reversion to acreage necessary to carry out the provisions and general purpose of this title;
   3. Such conditions and limitations that the city council may impose in the approval of the reversion to acreage.
C. The announcement of decision and findings shall be mailed to:
   1. The owner of the subject real property or the owner’s duly authorized agent, the subdivider and/or the subdivider’s representative at the address or addresses shown on the application filed with the planning division;
   2. Any person who has filed a written request for a notice of decision. (Ord. CS-192 § 47, 2012)

20.40.070 Return of fees and deposits—Release of securities.
Except as provided in Section 20.40.060, upon filing of the final map for reversion of acreage with the county recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the city council. (Ord. 9417 § 2, 1975)

20.40.080 Delivery of final map.
After the hearing before the city council and approval of the reversion, the final map shall be delivered to the county recorder. (Ord. 9417 § 2, 1975)

20.40.090 Effect of filing reversion map with the county recorder.
Reversion shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect. (Ord. 9417 § 2, 1975)
Chapter 20.44

DEDICATION OF LAND FOR RECREATIONAL FACILITIES

Sections:
20.44.010 Purpose.
20.44.020 Requirements.
20.44.030 General standard.
20.44.040 Standards and formula for dedication of land.
20.44.050 Standards for fees in lieu of land dedication.
20.44.060 Determination of land or fee.
20.44.080 Amount of fee in lieu of land dedication.
20.44.090 Limitation on use of land and fees.
20.44.100 Time of commencement of facilities.
20.44.110 Alternate procedure—Planned community projects.
20.44.120 Exemptions.
20.44.130 Credits against fee or land.
20.44.140 Fee deferral.

20.44.010 Purpose.
This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreational element of the general plan of the City of Carlsbad. (Ord. 9614 § 1, 1982; Ord. 9190 § 2)

20.44.020 Requirements.
As a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula contained in this chapter. (Ord. 9614 § 1, 1982; Ord. 9549 § 6, 1980; Ord. 9521 § 24, 1979; Ord. 9190 § 3)

20.44.030 General standard.
It is found and determined that the public interest, convenience, health, welfare and safety require that three acres of property for each 1,000 persons residing within this city shall be devoted to local park and recreational purposes. (Ord. 9831 § 1, 1987; Ord. 9614 § 1, 1982; Ord. 9190 § 4)

20.44.040 Standards and formula for dedication of land.
If the decision-making authority for the tentative map or tentative parcel map determines that a park or recreational facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:
The formula for determining acreage to be dedicated shall be as follows:

Average no. of persons per dwelling unit (based on most recent federal census) \(\times\) 3 park acres per 1,000 population \(\times\) Total number of dwelling units

The total number of dwelling units shall be the number permitted by the city on the property in the subdivision at the time the final map or parcel map is filed for approval, less any existing residential units in single-
family detached or duplex dwellings. The park land dedication requirement will be reviewed annually effective July 1, and adjusted as necessary by resolution of the city council to reflect the latest federal census data. (Ord. CS-192 § 49, 2012; Ord. CS-162 § 1, 2011; Ord. NS-757 § 1, 2005; Ord. NS-588 § 1, 2001; Ord. 9831 § 1, 1987; Ord. 9770 § 1, 1985; Ord. 9724 § 1, 1984; Ord. 9644 § 1, 1982; Ord. 9637 § 1, 1982; Ord. 9614 § 1, 1982; Ord. 9190 § 5)

20.44.050 Standards for fees in lieu of land dedication.
A. If the decision-making authority for the tentative map or tentative parcel map determines that there is no park or recreational facility to be located in whole or in part within the proposed subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20.44.040 and in an amount determined in accordance with the provisions of Section 20.44.080.
B. If the proposed subdivision contains 50 parcels or less, only the payment of fees shall be required except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.
C. If the decision-making authority for the tentative map or tentative parcel map requires the subdivider to dedicate land and the amount of land is less than would otherwise be required by Section 20.44.040 for that subdivision, a fee equal to the value of the land which would otherwise have been required shall be paid.
D. If fees are required, they shall be paid by the subdivider prior to the issuance of building permits for the subdivision or prior to the sale of the subdivided property, whichever occurs first. If building permits are issued for a portion of the subdivision or if a portion of the subdivision is sold, only the corresponding portion of the fees shall be paid. The subdivider’s obligation to pay the fees shall be noted on the final map. If fees are required, the subdivider shall agree to pay them in accordance with this chapter. The agreement shall be secured in accordance with Section 20.16.070 of this code. The city manager is authorized to sign such agreements on behalf of the city. (Ord. CS-192 § 49, 2012; Ord. 9614 § 1, 1982; Ord. 9190 § 6)

20.44.060 Determination of land or fee.
A. Whether the decision-making authority for the tentative map or tentative parcel map requires land dedication or elects to accept payment of a fee in lieu thereof, or a combination of both, shall be determined by the decision-making authority at the time of approval of the tentative map or tentative parcel map. In making that determination, the decision-making authority shall consider the following:
1. Park and recreation element of the general plan;
2. Topography, geology, access and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision and land available for dedication;
4. The feasibility of dedication;
5. Availability of previously acquired park property.
B. The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. CS-192 § 49, 2012; Ord. 9614 § 1, 1982; Ord. 9190 § 6)

20.44.080 Amount of fee in lieu of land dedication.
A. When a fee is required to be paid in lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 20.44.040. The fair market value shall be determined by the city council using the following method:
1. The city manager may from time to time survey the market value of undeveloped property within the city. This survey may be prepared through various means including, but not limited to, selection of several real estate professionals within Carlsbad to provide current estimates of undeveloped property values with each of the city’s four quadrants.

2. The council shall adopt a resolution establishing the value of one acre of park land in each quadrant after considering the results of this survey and any other relevant information.

B. Subdividers objecting to such valuation, may, at their own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the city council if found to be reasonable. If accepted, the fee shall be based on that appraisal. (Ord. NS-120 § 1, 1990; Ord. 9831 § 1, 1987; Ord. 9781 § 1, 1985; Ord. 9614 § 1, 1982; Ord. 9190 § 8)

20.44.090 Limitation on use of land and fees.
The land and fees received under this chapter shall be used for the purpose of developing new or rehabilitating existing park and recreational facilities which serve the population within the park quadrant within which the subdivision for which the fees are received is located and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. (Ord. NS-842 § 1, 2007; Ord. 9680 § 12, 1983; Ord. 9190 § 11)

20.44.100 Time of commencement of facilities.
The city council shall develop a schedule specifying how, when and where it will use the land or fees or both to develop park or recreational facilities to serve the residents of the park quadrant in which the subdivisions are located. Any fees collected pursuant to this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. (Ord. NS-842 § 2, 2007; Ord. 9680 § 12, 1983; Ord. 9521 § 24, 1979; Ord. 9190 § 10)

20.44.110 Alternate procedure—Planned community projects.
The purpose of this section is to provide an alternate procedure for accomplishing the dedication of land or the payment of fees, or both, for recreational facilities which the city council may elect to utilize for subdivisions processed as part of a master planned project in the planned community zone.

A. The city council may elect to proceed pursuant to this section by the inclusion of an appropriate condition in the master plan for a project in the planned community zone to provide for the dedication of land or for the payment of fees in lieu thereof, or any combination of the two, in connection with the master plan approval in an amount not to exceed the estimated amount of the obligations to be imposed by this chapter on the subdivisions to be developed within the planned community project.

B. If the land to be dedicated has been improved prior to master plan approval and the city council determines it to be in the city’s interest to accept such improvements for utilization in the city’s park and recreation program, the council may cause such improvements to be appraised, and the approved appraised value of such improvements may be considered a payment of fees in lieu of the dedication of land for the purposes of this section.

C. The land dedicated or fees paid pursuant to this section may be immediately utilized by the city. A record of the amount of such land or fees shall be maintained by the city, and the amount shall be available to be drawn upon at the option of the city council to satisfy the requirements of this chapter for one or more of the subdivisions to be developed pursuant to the master plan within the planned community project. The amount of land or fees in lieu thereof required for each subdivision within a planned community processed under this section shall be determined in accord with this chapter in the same manner as any other subdivision.
D. After electing to utilize the provisions of this section, the city council may provide that the requirement for the dedication of land for a subdivision be satisfied by a credit from an equivalent amount of previously dedicated land located within the planned community project but outside the subdivision boundaries and available for such purpose pursuant to this section. A requirement for payment of fees may be satisfied in the same manner from the amount of previously deposited fees available for such purpose pursuant to this section. A record of the transactions showing the amount of land or fees required, the amount of credit used to satisfy such requirement, and the balance of land or fees remaining on account for subsequent subdivisions shall be presented to the city council prior to final map approval.

E. The method of accomplishing the dedication of the land or the payment of fees in lieu thereof, the method for making the land or fees available in accord with this section, and any other matters necessary to carry out the intent of this section may be established by the city council by a contract with the developer or by the inclusion of appropriate conditions in the master plan, specific plan, tentative map, or any combination thereof. In the absence of any such specific provisions, the provisions of this chapter shall control.

F. If the planned community project is rezoned or otherwise terminated by the city council prior to its completion, the title to any land or improvements dedicated pursuant to this section shall remain in the city. The remaining balance of any land or the value of any improvements not utilized in satisfaction of the requirements of this chapter for approved subdivisions within the project shall remain on account with the city and shall be available to satisfy the park requirements which may apply to any future development of the property.

G. In the event the balance of land or fees available pursuant to this section is insufficient to satisfy the requirements of this chapter for a subdivision, additional land or fees may be required pursuant to this chapter in satisfaction of such requirement, or the city council may elect to provide for additional dedications or payments in accord with this section which shall be available for the satisfaction of the balance of such requirement and the requirements of subsequent subdivisions within the planned community. (Ord. 9417 § 2, 1975; Ord. 9416 § 1, 1975)

20.44.120 Exemptions.
A. The provisions of this chapter shall not apply to subdivisions containing less than five parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

B. The provisions of this chapter also do not apply to commercial or industrial subdivision; nor to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added. (Ord. 9680 § 12, 1983; Ord. 9416 § 2, 1982)

20.44.130 Credits against fee or land.
A. Whenever a subdivider provides park and recreational improvements, including equipment, to dedicated land, the value of the improvements or equipment as determined by the city council shall be a credit against the fees to be paid or land to be dedicated pursuant to this chapter; provided, that the improvements or equipment have been done or installed with the prior approval and to the satisfaction of the director of parks and recreation.

B. Whenever a subdivider of a planned development, real estate development, stock cooperative, community development project or condominium, as defined in Sections 11003, 11003.1, 11003.2, 11003.4, and 11004 of the Business and Professions Code and Section 783 of the Civil Code respectively, has provided active recreational areas within the boundaries of the subdivision in excess of that required by Chapter 21.45 of this code, the subdivider may at the time the final or parcel map is submitted for approval request that the council give a credit of up to 10% of the amount of fees to be paid
or land to be dedicated pursuant to this chapter for the value of the active recreation area. (Ord. CS-192 § 50, 2012; Ord. 9806 § 17, 1986; Ord. 9680 § 12, 1983)

20.44.140  Fee deferral.
A. Notwithstanding anything in this chapter to the contrary, all park in-lieu fees for any residential development that consists of five or more dwelling units shall only be paid prior to building permit issuance, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant.
B. If the applicant chooses to defer the payment of fees to prior to the request for final inspection, then the amount of the fees shall be based on the fees in effect at the time of the request for final inspection.
C. In the event that the city, for any reason, fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or the property owner. (Ord. CS-271 § IV, 2015; Ord. CS-200 § IV, 2013)
Chapter 20.48

ENFORCEMENT—CERTIFICATES OF COMPLIANCE

Sections:
- 20.48.010 Enforcement.
- 20.48.020 Notice of violation.
- 20.48.030 Development permits and approvals withheld.
- 20.48.040 Certificate of compliance.
- 20.48.050 Appeal.
- 20.48.060 Violations.
- 20.48.070 Severability.
- 20.48.090 Presumption of lawful creation.

20.48.010 Enforcement.
Whenever the county assessor or the head of any city department finds that the provisions of this title or of the Subdivision Map Act have been violated, he or she shall report such violation to the city planner, the housing and neighborhood services director and the city engineer. It shall be the duty of the city engineer to investigate such report and enforce the provisions of this title and the Subdivision Map Act. (Ord. CS-192 § 51, 2012; Ord. CS-164 §§ 10, 14, 2011; Ord. NS-676 §§ 13, 14, 2003; Ord. 1261 § 35, 1983; Ord. 1256 § 6, 1982; Ord. 9417 § 2, 1975)

20.48.020 Notice of violation.
Whenever the city engineer has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of city ordinances enacted pursuant thereto, the city engineer shall cause to be mailed by certified mail to the owner of the real property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, describing the violation, and an explanation of why the parcel is not lawful under subdivision (a) or (b) of Government Code Section 66412.6, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date and place at which the owner may present evidence to the city engineer why such notice should not be recorded. The date shall be not less than 30 days and not more than 60 days from the date of mailing. If, after the owner has presented evidence, the city engineer determines that there has been no violation, the city engineer shall forthwith mail a clearance letter to the owner. If, however, after the owner has presented evidence, the city engineer determines that the property has in fact been illegally divided, or if within 15 days of receipt of a copy of such notice the owner of such real property fails to inform the city engineer of his or her objection to recording the notice of violation, the city engineer shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property. (Ord. NS-328 § 1, 1995; Ord. 9521 § 25, 1979; Ord. 9417 § 2, 1975)

20.48.030 Development permits and approvals withheld.
A. The city or any other responsible agency shall not issue or grant building, grading or any other permit, or any approval necessary to develop any real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or city ordinances enacted pursuant thereto applicable at the time such division occurred unless the decision-making authority for the building, grading, or any other permit, finds that development of such real property is not contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or vendee of the current owner of record pursuant to a contract of sale of the real property with or without actual or constructive knowledge of the violation at the time of the acquisition of his or her interests in such real property.
B. All applications for permits or approvals necessary for the development of real property shall be reviewed by the city engineer, who shall determine whether the real property has been subdivided or has resulted from a division in violation of the Subdivision Map Act or city ordinances enacted pursuant thereto. The engineer shall also make such a determination upon a receipt of a written request from the owner of such real property or the vendee of the current owner of record pursuant to a contract of sale of the real property or upon receipt of written notification of the authority or body responsible for granting a permit or approval. The city engineer may approve real property for development pursuant to subsection A of this section and shall so inform the owner or vendee thereof and the authority or body authorized to issue or grant the permit or approval for development. If it is determined that such real property is approved for development, the city engineer may impose those conditions that would have been applicable to the division of the property and which had been established at such time by the Subdivision Map Act or city ordinances enacted pursuant thereto and are appropriate to satisfy public health and safety considerations and other considerations as are hereinafter specified unless the applicant was the owner of record at the time of the initial violation in which event the city engineer may impose such conditions as would be applicable to a current division of property. If a conditional certificate of compliance has been filed for record under the provisions of Section 20.48.040, only such conditions stipulated in that certificate shall be applicable. If real property is approved for development the city engineer shall cause a certificate of compliance relative to the subject real property and reflecting any conditions of development to be filed with the county recorder pursuant to Section 20.48.040 of this chapter.

C. In determining whether approval or conditional approval should be granted for development of real property divided or resulting from a division in violation of the Subdivision Map Act or city ordinances enacted pursuant thereto, the city engineer or the city council shall give consideration to:

1. Whether the owner of the real property can rescind the agreement by which he or she acquired the real property and recover the consideration paid therefor;
2. Whether the real property meets the requirements of the applicable zoning regulations;
3. Whether the real property has a satisfactory potable water supply;
4. Whether the real property has legal access to a city or county maintained road;
5. Whether the current owner would have been required to dedicate land for any public purpose or construct or install any improvements pursuant to the terms of the Subdivision Map Act or city ordinances enacted pursuant thereto had the subdivision by which the real property was created been submitted for approval at the time the current owner acquired the property.

D. Approval for development shall be granted for development of real property where improvements have been completed prior to the time a permit or grant of approval was required for development of the property, or for development of real property for which improvements have been completed in reliance on a previous permit or grant of approval for development, unless the city engineer finds that development is contrary to the public health or safety.

E. Whenever any person submits an application for a building or any other permit for proposed construction of more than one main building as defined in Title 21 on any single lot or building site, the city engineer shall determine whether such proposed construction would create a subdivision. The permit for such proposed construction shall not be issued unless the city engineer has approved the plot plan and determined that the proposed construction would not constitute a violation of the Subdivision Map Act or this title.

F. A request for development approval or a certificate of compliance shall be accompanied by a fee established by city council resolution. (Ord. CS-192 § 52, 2012; Ord. NS-676 § 13, 2003; Ord. 9760 § 13, 1985; Ord. 1261 § 35, 1983; Ord. 9521 § 26, 1979; Ord. 9417 § 2, 1975)
20.48.040 Certificate of compliance.
A. Any owner of real property or a vendee of such person pursuant to a contract of sale of such real property may request in writing that the city engineer make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and city ordinances enacted pursuant thereto, or that such real property does not comply with the provisions, and the city engineer shall so notify the owner thereof setting forth the particulars of such compliance or noncompliance. If the subject real property is found to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer shall cause a certification of compliance relative to such real property to be filed for record with the county recorder.

If the subject real property is found not to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer may issue a notice of violation or a conditional certificate of compliance. When issuing a conditional certificate of compliance the city engineer may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or city ordinances enacted pursuant thereto. Upon making such a determination and establishing such conditions, the city engineer shall cause a conditional certification of compliance setting forth such conditions to be filed for record with the county recorder, fulfillment and implementation of the conditions shall be required prior to the subsequent issuance of a permit or grant of approval for development of the property, but compliance with such conditions shall not be required until such time as a building permit or granting permit is issued by the city.

B. Certificates of compliance shall be issued for real property that:
1. Has been approved for development pursuant to Section 20.48.030 of this chapter;
2. Has been approved for division, and the requirement for preparing, filing and recording a parcel map has been waived pursuant to Section 20.24.150 of this title.

C. A recorded final subdivision map or recorded parcel map shall constitute a certificate of compliance with respect to the lots described therein, and no additional certificates of compliance shall be issued therefor. (Ord. 9760 § 14, 1985; Ord. 9588 § 1, 1981; Ord. 9521 § 27, 1979; Ord. 9417 § 2, 1975)

20.48.050 Appeal.
Decisions on actions of the city engineer made pursuant to this chapter shall become effective unless appealed and processed in the same manner as the appeal of city planner decisions pursuant to the provisions of Section 21.54.140 of this code. (Ord. CS-192 § 53, 2012; Ord. 9417 § 2, 1975)

20.48.060 Violations.
Any person violating any of the provisions of this title is guilty of a misdemeanor and shall be subject to imprisonment for a period not exceeding six months and a fine not exceeding $500.00, or by both such imprisonment and such fine. (Ord. 9417 § 2, 1975)

20.48.070 Severability.
If any provision of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application thereof, and to this end the provisions of this title are severable. (Ord. 9417 § 2, 1975)

20.48.090 Presumption of lawful creation.
A. For purposes of this title, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels
were created and if at the time of the creation of the parcel there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

B. For purposes of this title, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance. Owners of parcels or units of land affected by the provisions of this subdivision shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to this chapter prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. For purposes of determining whether the parcel or unit of land complies with the provisions of this title or the Subdivision Map Act, as required pursuant to Section 20.48.040, the presumption declared in this subdivision shall not be operative. (Ord. 9626 § 9, 1982)
Title 21

ZONING

Chapters:

21.02 Purpose
21.04 Definitions
21.05 Zone Establishment—Boundaries
21.06 Q Qualified Development Overlay Zone
21.07 E-A Exclusive Agricultural Zone
21.08 R-A Residential Agricultural Zone
21.09 R-E Rural Residential Estate Zone
21.10 R-1 One-Family Residential Zone
21.12 R-2 Two-Family Residential Zone
21.16 R-3 Multiple-Family Residential Zone
21.18 R-P Residential Professional Zone
21.20 R-T Residential Tourist Zone
21.21 H-O Hospital Overlay Zone
21.22 R-W Residential Waterway Zone
21.24 RD-M Residential Density-Multiple Zone
21.25 Community Facilities Zone
21.26 C-1 Neighborhood Commercial Zone
21.27 Office Zone
21.28 C-2 General Commercial Zone
21.29 C-T Commercial Tourist Zone
21.30 C-M Heavy Commercial—Limited Industrial Zone
21.31 C-L Local Shopping Center Zone
21.32 M Industrial Zone
21.33 O-S Open Space Zone
21.34 P-M Planned Industrial Zone
21.35 V-R Village Review Zone
21.36 P-U Public Utility Zone
21.37 RMHP Residential Mobile Home Park Zone
21.38 P-C Planned Community Zone
21.39 L-C Limited Control Zone
21.40 S-P Scenic Preservation Overlay Zone
21.41 Sign Ordinance
21.42 Minor Conditional Use Permits and Conditional Use Permits
21.43 Adult Businesses
21.44 Parking
21.45 Planned Developments
21.46 Yards
21.47 Nonresidential Planned Developments
21.48 Nonconforming Lots, Structures and Uses
21.49 Planning Moratorium
21.50 Variances
21.52 Amendments
21.53 Uses Generally
21.54 Procedures, Hearings, Notices and Fees
21.55 Dedication of Land and Fees for School Facilities
21.56 Interpretation
21.58 Violation—Revocation—Expiration
21.60 Permits—License Enforcement
21.61 Judicial Review of Zoning Decisions and Time Limitation
21.62 Violations
21.70 Development Agreements
21.80 Coastal Development Permits—Agua Hedionda
21.82 Beach Area Overlay (BAO) Zones
21.83 Child Care
21.84 Housing for Senior Citizens
21.85 Inclusionary Housing
21.86 Residential Density Bonus and Incentives or Concessions
21.87 Reasonable Accommodation
21.90 Growth Management
21.95 Hillside Development Regulations
21.100 T-C Transportation Corridor
21.105 Recycling Facilities and Recycling Areas
21.110 Floodplain Management Regulations
21.201 Coastal Development Permit Procedures
21.202 Coastal Agriculture Overlay Zone
21.203 Coastal Resource Protection Overlay Zone
21.204 Coastal Shoreline Development Overlay Zone
21.205 Coastal Resource Overlay Zone Mello I LCP Segment
21.208 Commercial/Visitor-Serving Overlay Zone
21.210 Habitat Preservation and Management Requirements
Chapter 21.02

PURPOSE

Sections:
- 21.02.010 Designated.
- 21.02.020 Short title.

21.02.010 Designated.
An official land-use plan for the city is adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources. (Ord. 9060 § 100)

21.02.020 Short title.
This title shall be known as “The Zoning Ordinance.” (Ord. 9060 § 101)
Chapter 21.04

DEFINITIONS

Sections:
21.04.005 Provisions not affected by headings.
21.04.010 Tenses.
21.04.015 Number.
21.04.020 Accessory.
21.04.021 Affordable housing.
21.04.023 Agriculture.
21.04.025 Alley.
21.04.027 Alter.
21.04.030 Apartment.
21.04.035 Apartment house.
21.04.036 Aquaculture.
21.04.040 Automobile wrecking.
21.04.041 Bar or cocktail lounge.
21.04.045 Basement.
21.04.046 Bed and breakfast uses.
21.04.048 Biological habitat preserve.
21.04.050 Block.
21.04.055 Boardinghouse.
21.04.056 Bona fide public eating establishment.
21.04.057 Bowling alley.
21.04.060 Building.
21.04.061 Building coverage.
21.04.065 Building height.
21.04.070 Building, main.
21.04.075 Building site.
21.04.080 Business or commerce.
21.04.085 Cellar.
21.04.086 Child day care center.
21.04.090 Club.
21.04.091 Coin-operated arcade.
21.04.093 Commercial living unit.
21.04.095 Commission.
21.04.098 Common wall.
21.04.099 Community and economic development director.
21.04.100 Court.
21.04.106 Delicatessen.
21.04.109 Drive-thru restaurant.
21.04.110 Dump.
21.04.115 Dwelling.
21.04.120 Dwelling unit.
21.04.125 Dwelling, one-family.
21.04.130 Dwelling, two-family.
21.04.135 Dwelling, multiple-family.
21.04.137 Educational facilities, other.
21.04.140 Educational institution or school.
| 21.04.140.1 | Expansion. |
| 21.04.140.5 | Emergency shelter. |
| 21.04.141 | Escort service. |
| 21.04.142 | Factory-built housing. |
| 21.04.145 | Family. |
| 21.04.146 | Family day care home. |
| 21.04.147 | Family day care home, large. |
| 21.04.148 | Family day care home, small. |
| 21.04.148.1 | Farmworker. |
| 21.04.148.3 | Farmworker housing complex, large. |
| 21.04.148.4 | Farmworker housing complex, small. |
| 21.04.149 | Employer-sponsored child day care center. |
| 21.04.150 | Garage, private. |
| 21.04.155 | Garage, public. |
| 21.04.156 | Gas station. |
| 21.04.160 | Grade, existing |
| 21.04.161 | Grade, finished. |
| 21.04.165 | Guest house or accessory living quarters. |
| 21.04.166 | Hazardous waste. |
| 21.04.170 | Hospital. |
| 21.04.175 | Hospital, mental. |
| 21.04.185 | Hotel. |
| 21.04.186 | Household—Low-income. |
| 21.04.188 | Household—Very low-income. |
| 21.04.189 | Income level—Target. |
| 21.04.190 | Institution. |
| 21.04.195 | Kennel. |
| 21.04.203 | Liquor store. |
| 21.04.205 | Lodginghouse. |
| 21.04.215 | Lot area. |
| 21.04.220 | Lot, corner. |
| 21.04.222 | Lot coverage. |
| 21.04.225 | Lot depth. |
| 21.04.230 | Lot, interior. |
| 21.04.235 | Lot, key. |
| 21.04.240 | Lot line, front. |
| 21.04.245 | Lot line, rear. |
| 21.04.250 | Lot line, side. |
| 21.04.255 | Lot, reversed corner. |
| 21.04.256 | Lot—Planned unit development (PUD). |
| 21.04.260 | Lot, through. |
| 21.04.263 | Lot width. |
| 21.04.265 | Mobile building. |
| 21.04.266 | Mobile home. |
| 21.04.267 | Mobile home accessory structure. |
| 21.04.268 | Mobile home lot. |
| 21.04.269 | Mobile home park. |
21.04.270 Modular building.
21.04.273 Motel.
21.04.275 Nonconforming structure.
21.04.278 Nonconforming lot.
21.04.280 Nonconforming nonresidential use.
21.04.281 Nonconforming residential use.
21.04.285 Outdoor advertising display.
21.04.290 Outdoor advertising structure.
21.04.290.1 Outdoor dining (incidental).
21.04.291 Pawnshop.
21.04.292 Planner, city.
21.04.293 Pool hall or billiard parlor.
21.04.295 Professional care facility.
21.04.298 Recreational vehicle (RV).
21.04.299 Recreational vehicle (RV) storage.
21.04.299.1 Repair.
21.04.299.2 Replace.
21.04.300 Residential care facility.
21.04.301 Secondhand or thrift shop.
21.04.303 Second dwelling unit.
21.04.305 Sign.
21.04.306 Space or structure, habitable.
21.04.307 Specified hazardous waste facility.
21.04.310 Stable, private.
21.04.315 Stable, public.
21.04.320 Stand.
21.04.325 State freeway.
21.04.330 Story.
21.04.335 Street.
21.04.340 Street line.
21.04.345 Street, side.
21.04.350 Structural alterations.
21.04.355 Substandard lot.
21.04.355.1 Supportive housing.
21.04.357 Time-share project.
21.04.360 To place.
21.04.362 Transitional housing.
21.04.375 Use.
21.04.376 Useable living area.
21.04.378 Veterinarian and small-animal hospital.
21.04.378.1 Wet bar.
21.04.379 Wireless communication facility.
21.04.380 Yard.
21.04.385 Yard, front.
21.04.390 Yard, rear line of required front.
21.04.400 Zoo, private.
21.04.005  Provisions not affected by headings.
Chapter and section headings contained in this title shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section of this title. (Ord. 9060 § 200)

21.04.010  Tenses.
The present tense includes the future, and the future the present. (Ord. 9060 § 201)

21.04.015  Number.
The singular number includes the plural, and the plural the singular. (Ord. 9060 § 202)

21.04.020  Accessory.
"Accessory" means a building, part of a building or structure, or use which is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by a common wall such building area is considered a part of the main building and not an accessory building or structure. (Ord. NS-355 § 1, 1996; Ord. 9060 § 203)

21.04.021  Affordable housing.
"Affordable housing" means housing for which the allowable housing expenses for a for-sale or rental dwelling unit paid by a household would not exceed thirty percent of the gross monthly income for target income levels, adjusted for household size. (Ord. 207 § 1, 1992)

21.04.023  Agriculture.
"Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market. (Ord. CS-189 § II, 2012)

21.04.025  Alley.
"Alley" means a public thoroughfare or way having a width of not more than twenty feet which affords only a secondary means of access to abutting property. (Ord. 9060 § 204)

21.04.027  Alter.
"Alter" means any change to the interior or exterior of a structure that does not result in an increase to the gross floor area of the structure. (Ord. CS-050 § II, 2009)

21.04.030  Apartment.
"Apartment" means a room, or a suite of two or more rooms in a multiple-family dwelling, occupied or suitable for occupancy as a residence for one family. (Ord. NS-718 § 2, 2004; Ord. 9060 § 205)

21.04.035  Apartment house.
"Apartment house" means a building or a portion of a building, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. (Ord. 9060 § 206)
21.04.036  **Aquaculture.**
"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes. This definition specifically excludes hydroponics. (Ord. 9809 § 1, 1986)

21.04.040  **Automobile wrecking.**
"Automobile wrecking" means the commercial or noncommercial dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. (Ord. 9060 § 207)

21.04.041  **Bar or cocktail lounge.**
"Bar or cocktail lounge" means any establishment serving an alcoholic beverage, not meeting the requirements of a bona fide public eating establishment as defined in Section 21.04.056. (Ord. 9527 § 2, 1979)

21.04.045  **Basement.**
"Basement" means that portion of a building between floor and ceiling which is completely or partially below the existing grade or finished grade, whichever is lower, but so located that the vertical distance from exterior grade to the adjacent interior floor below is greater than the vertical distance from exterior grade to the adjacent interior ceiling above. This definition must apply to a minimum of seventy-five percent of the perimeter of the basement for that portion of a building to qualify as a basement. (Ord. CS-045 § II, 2009; Ord. NS-532 § 1, 2000; Ord. NS-204 § 1, 1992; Ord. NS-180 § 1, 1991; Ord. 9060 § 208)

21.04.046  **Bed and breakfast uses.**
"Bed and breakfast uses" means an historical or architecturally significant building which is located in a scenic or other environment with a distinct character which has no less than three and no more than eight attractively decorated lodging rooms, and one common room is available for social interaction where short-term lodging and primarily breakfast meals are provided for compensation. "Bed and breakfast uses" does not include rest homes, convalescent homes, hotels, motels, boarding houses or lodging houses. (Ord. NS-81 § 1, 1989; Ord. 9800 § 1, 1986)

21.04.048  **Biological habitat preserve.**
"Biological habitat preserve" means any area which is designated and accepted by a federal, state or local agency as a permanent or temporary sanctuary, reserve or protected area for biological species of any kind. (Ord. NS-322 § 1, 1995)

21.04.050  **Block.**
"Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Ord. 9060 § 209)

21.04.055  **Boardinghouse.**
"Boardinghouse" means a building with more than four guest rooms where lodging and meals are provided for compensation but does not include rest homes or convalescent homes. (Ord. 9060 § 210)
21.04.056  Bona fide public eating establishment.
"Bona fide public eating establishment" means any establishment at which the primary business is the preparation, service and retail sale of meals comprising a varied selection of foods and nonalcoholic beverages, served and consumed on the premises.

To be classified as a bona fide public eating establishment, an establishment which engages in the sale of beer, wine or distilled spirits for consumption on the premises shall meet the following requirements:

(1) Be designed and operated in such a way that the sale of alcoholic beverages is incidental to the primary restaurant operation;

(2) On any day the restaurant is open to the public for business and engaged in the incidental sale of alcoholic beverages, restaurant services shall be available to the public for the evening meal for a period of not less than five hours, or for not less than four hours, if the morning or noon meal is also served to the public for a period of not less than two hours;

(3) Restaurant service shall include, but not be limited to, an offering of a varied menu of foods or not less than five main courses with appropriate nonalcoholic beverages, desserts, salads and other attendant dishes;

(4) The sale of any food prepared for consumption off the premises shall be occasional only and clearly incidental and subordinate to the on-premises restaurant operation;

(5) No more than twenty-five percent of the interior area of the restaurant shall be designed, arranged or devoted to a use commonly associated with a bar or other establishment primarily engaged in the on-premises sale of alcoholic beverages. The interior area shall include only those portions of the establishment devoted to regular use by the public;

(6) A minimum of twenty percent of the gross floor area of the establishment shall be used solely for food storage, preparation, maintenance and storage of eating utensils, dishes and glassware and shall include refrigeration, cooking, warming and dishwashing equipment, and any other equipment necessary for a fully equipped restaurant kitchen;

(7) During the above specified minimum hours for restaurant services, there shall be not less than one employee per two hundred and fifty square feet of floor area devoted to food service use. Said employee or employees shall be on the job during the specified minimum hours for the restaurant service as described in subsection (2) of this section.

The city council may waive the above requirements relating to hours, menus, alcoholic beverage area, kitchen area, employees and equipment if they find a proposed restaurant will provide equivalencies, meets the other requirements of this section and will, in fact, be operated as a bona fide restaurant.

Uses not specifically named in this section but which are of substantially the same general type and character and are within the intent and purpose of this section may be permitted; provided, however, that the burden of proving the same shall rest with the person seeking to establish that use. (Ord. 9527 § 2, 1979)

21.04.057  Bowling alley.
"Bowling alley" means any structure in which a ball or balls are rolled on a green or down an alley or lane at any object or group of objects. (Ord. 9527 § 2, 1979)

21.04.060  Building.
"Building" means any structure having a roof, including all forms of inhabitable vehicles even though immobilized. Where this title requires, or where special authority granted pursuant to this title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides." (Ord. 9060 § 211)
21.04.061 Building coverage.
"Building coverage" means the total ground area of a site occupied by any building or structure as measured from the outside of its surrounding external walls or supporting members. Building coverage includes exterior structures such as stairs, arcades, bridges, permanent structural elements protruding from buildings such as overhanging balconies, oriel windows, stories which overhang a ground level story, garages and covered carports. Building coverage also includes the perimeter area of a basement. Excluded from building coverage are roof eaves extending less than thirty inches from the face of any building, awnings, open parking areas, structures under thirty inches in height and masonry walls not greater than six feet in height such as wing-walls, planter walls or grade-separation retaining walls. (Ord. NS-180 § 2, 1991)

21.04.065 Building height.
"Building height" is limited to the vertical distance measured from “existing grade” (defined: Section 21.04.160) or “finished grade” (defined: Section 21.04.161), whichever is lower, at all points along the “building coverage” (defined: 21.04.061) up to a warped plane located at a height, above all points along the “building coverage,” that is equal to the height limit of the underlying zone. All portions of the building shall be located at or below the building height limit, except as provided below.
1. “Building height” includes:
   a. All portions of a building exposed above the existing grade or finished grade, whichever is lower. This includes, but is not limited to, all portions of exterior walls of a basement, underground parking or other subterranean areas that are exposed above existing grade or finished grade, whichever is lower, and the exposed exterior portion of a basement located on the downhill or uphill side of a building on a sloping lot, but does not include the exposed portion of an “underground parking” structure entrance (defined: Section 21.04.370) that is minimally necessary to provide vehicle access to the “underground parking” structure and which is below the existing or finished grade, whichever is lower, of the area that is immediately adjacent to the “underground parking” structure.
   b. Per Section 21.46.020 of this title, protrusions above the building height limit may be allowed.
2. If a discretionary permit for a development or alteration of an existing development is approved, and such approval includes a grading plan that shows a finished grade higher in elevation than the existing grade, then building height may be measured from the approved finished grade. In approving a finished grade through a discretionary permit that is higher in elevation than the existing grade, consideration shall be given to the natural topography of the site, compatibility with the existing grade of adjacent and surrounding properties, and the need to comply with required access, utility and drainage standards.
3. When nondiscretionary permits allow retaining walls, fill or other grading, which create a finished grade higher in elevation than the grade that existed prior to the retaining wall, fill, or grading, then building height shall be measured from existing grade. (Ord. CS-045 § III, 2009; Ord. NS-675 § 1, 2003; Ord. NS-204 § 2, 1992; Ord. NS-180 § 3, 1991; Ord. 9667, 1983; Ord. 9498 § 1, 1978; Ord. 9141 § 1; Ord. 9060 § 212)

21.04.070 Building, main.
"Main building" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this title is construed as comprising a main building. (Ord. 9060 § 213)

21.04.075 Building site.
"Building site" means:
(1) The ground area of one lot; or
(2) The ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this title. (Ord. 9060 § 214)

21.04.080 Business or commerce.
"Business" or "commerce" means the purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office building, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services. (Ord. 9060 § 215)

21.04.085 Cellar.
"Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance between the ceiling and the average adjoining ground level is equal to or greater than the vertical distance from grade to ceiling. (Ord. 9060 § 216)

21.04.086 Child day care center.
"Child day care center" means a facility, other than a family day care home which provides nonmedical care, protection and supervision for children under eighteen years of age for periods of less than twenty-four hours per day. "Child day care center" includes preschools, nursery schools, employer-sponsored day care facilities and before- and after-school recreational programs, but does not include public or private elementary schools. (Ord. NS-409 § 1, 1997; Ord. 9731 § 1, 1984)

21.04.090 Club.
"Club" means an association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business. (Ord. 9060 § 217)

21.04.091 Coin-operated arcade.
"Coin-operated arcade" means any place wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled machines, shooting galleries, or any other amusement devices, are maintained for use by five or fewer persons per machine at any one time. (Ord. 9527 § 2, 1979)

21.04.093 Commercial living unit.
"Commercial living unit" means a unit that may be within but is not limited to a professional care facility, hotel, motel, time-share or bed and breakfast that provides the basic amenities for everyday living and may include but is not limited to a sleeping area or bedroom(s), closet space, restroom, sitting/entertainment area and kitchen facilities. Commercial living units are distinguished from dwelling units due to the assistance/services provided in conjunction with the living unit and/or the use of the living unit for temporary lodging. (Ord. NS-284 § 1, 1994)

21.04.095 Commission.
"Commission" means the planning commission of the city. (Ord. 9060 § 218)

21.04.098 Common wall.
"Common wall" is used for the purpose of distinguishing between an otherwise accessory building or structure and a main dwelling unit building or structure within residential zones. A "common wall" divides, yet is shared by, two adjacent enclosed building areas. A common wall may or may not provide a door or accessway to accommodate passage between the two building areas separated by a common wall. Accessory structures do not involve an attachment to the main building by a common wall. (Ord. NS-355 § 2, 1996)
21.04.099 Community and economic development director.
“Community and economic development director” means the director of community and economic development of the city or his or her designee. (Ord. CS-164 § 14, 2011; Ord. NS-675 § 2, 2003)

21.04.100 Court.
“Court” means any portion of the interior of a lot or building site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard. (Ord. 9060 § 219)

“Dairy” means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained. (Ord. 9060 § 220)

21.04.106 Delicatessen.
“Delicatessen” means a type of restaurant, totaling less than one thousand six hundred square feet in total floor area, selling ready-to-eat food and canned or bottled beverages to the public. Food is pre-cooked or prepared at another location and only heated or toasted on the site. No stoves or ovens for the cooking or preparation of food nor tableware or dishwashing facilities (other than a standard sink) are permitted. No waiters or waitresses are employed on the premises. (Ord. NS-791 § 3, 2006)

“Development (within the coastal zone)” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Ord. NS-365 § 1, 1996)

21.04.109 Drive-thru restaurant.
“Drive-thru restaurant” means a restaurant that has a drive-thru lane to serve customers in motor vehicles. (Ord. NS-439 § 1, 1998)

21.04.110 Dump.
“Dump” means an area devoted to the disposal of refuse including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, offal or dead animals. (Ord. 9060 § 221)

21.04.115 Dwelling.
“Dwelling” means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings, but does not include commercial living units. (Ord. NS-718 § 3, 2004; Ord. NS-284 § 2, 1994; Ord. 9060 § 222)
21.04.120 Dwelling unit.
“Dwelling unit” means a single unit providing a complete, independent living facility for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one kitchen. For the purposes of this section, provisions for sanitation include a toilet, sink and shower or bathtub. (Ord. CS-243 § 1, 2014; Ord. 9060 § 223)

21.04.125 Dwelling, one-family.
“One-family dwelling” means a detached building designed exclusively for occupancy by one family and containing one dwelling unit. (Ord. 9060 § 224)

21.04.130 Dwelling, two-family.
“Two-family dwelling” means a building designed exclusively for occupancy by two families living independently of each other and containing two dwelling units. (Ord. 9060 § 225)

21.04.135 Dwelling, multiple-family.
“Multiple-family dwelling” means a building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. (Ord. NS-718 §§ 1, 4, 2004; Ord. 9060 § 226)

21.04.137 Educational facilities, other.
“Educational facilities, other” means educational training and tutoring services not subject to the California Education Code nor standards set by the State Board of Education, including but not limited to, trade, cosmetology, pet grooming, music, dance, martial arts, gymnastics and language. (Ord. NS-791 § 4, 2006)

21.04.140 Educational institution or school.
“Educational institution or school” means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of higher education, including a community or junior college, college or university. (Ord. NS-409 § 1, 1997; Ord. 9060 § 227)

21.04.140.1 Expansion.
“Expansion” means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009)

21.04.140.5 Emergency shelter.
“Emergency shelter” means year-round housing with minimal supportive services for homeless persons or families with occupancy limited to six months or less by homeless persons. (Ord. CS-190 §§ I, II, 2012)

21.04.141 Escort service.
“Escort service” means any place where patrons can purchase the social company or companionship of another person to be given either on or off the premises, excluding any use regulated by Chapter 21.43 of this code. (Ord. 9527 § 2, 1979)

21.04.142 Factory-built housing.
“Factory-built housing” means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly or system manufactured in such a manner that all
concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with building standards published in the State Building Standards Code and other regulations adopted by the commission pursuant to State Health and Safety Code Section 19990. “Factory-built housing” does not include a mobile home, mobile accessory building or structure, a recreational vehicle, or a commercial coach. “Factory-built housing” means the same as modular housing. (Ord. 9564 § 1, 1980)

21.04.145 Family.
“Family” means one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. Residents and operators of a residential care facility serving six or fewer persons shall be considered a family for purposes of any zoning regulation relating to residential use of such facilities. (Ord. CS-102 § II, 2010; Ord. 9592 § 1, 1981; Ord. 9513 § 7, 1978; Ord. 9455 § 1, 1976; Ord. 9060 § 228)

21.04.146 Family day care home.
“Family day care home” means a detached single-family dwelling which regularly provides nonmedical care, protection, and supervision of fourteen or fewer children, in the provider’s own home, for periods of less than twenty-four hours per day, while the parents or guardians are away. The actual number of children permitted in a family day care home is based on age composition as determined by the State of California, Department of Social Services. Family day care homes include large or small family day care homes. (Ord. NS-409 § 1, 1997; Ord. 9731 § 1, 1984)

21.04.147 Family day care home, large.
“Large family day care home” means a detached, single-family dwelling which provides family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home as defined by Section 1596.78 of the California Health and Safety Code and permitted by the licensing agency. (Ord. NS-409 § 1, 1997; Ord. 9731 § 1, 1984)

21.04.148 Family day care home, small.
“Small family day care home” means a detached, single-family dwelling which provides family day care for eight or fewer children, including children under the age of ten years who reside at the home as defined in Section 1596.78 of the California Health and Safety Code and permitted by the licensing agency. (Ord. NS-409 § 1, 1997)

21.04.148.1 Farmworker.
“Farmworker” means any individual engaged in agriculture (as defined in Section 21.04.023). (Ord. CS-189 § III, 2012)

21.04.148.3 Farmworker housing complex, large.
“Farmworker housing complex, large” includes conventional and nonconventional structures, housing more than thirty-six farmworkers or more than twelve units/spaces, such as: group living quarters (including barracks and bunkhouses); a dwelling, boardinghouse, or tent; a mobile home, manufactured home, recreational vehicle, or travel trailer; or other housing accommodations, and which is occupied by farmworkers or farmworkers and their households, and may be for temporary, seasonal, or permanent residence. (Ord. CS-189 § IV, 2012)
21.04.148.4 Farmworker housing complex, small.
"Farmworker housing complex, small" includes conventional and nonconventional structures, housing up to thirty-six farmworkers or twelve units/spaces, such as: group living quarters (including barracks and bunk-houses); a dwelling, boardinghouse, or tent; a mobile home, manufactured home, recreational vehicle, or travel trailer; or other housing accommodations, and which is occupied by farmworkers or farmworkers and their households, and may be for temporary, seasonal, or permanent residence. (Ord. CS-189 § V, 2012)

21.04.149 Employer-sponsored child day care center.
"Employer-sponsored child day care center" means any child day care center at the employer’s site of business and operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of that employer, and of the officers, managers, and employees of the employer. (Ord. NS-409 § 1, 1997)

21.04.150 Garage, private.
"Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building. (Ord. 9060 § 229)

21.04.155 Garage, public.
"Public garage" means a building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale. (Ord. 9060 § 230)

21.04.156 Gas station.
"Gas station" means a retail business used primarily for the sale of vehicular fuels; minor servicing and repair of automobiles; and the sale and installation of lubricants, tires, batteries and similar vehicle accessories. A gas station may include a mini-mart convenience store as an accessory use. (Ord. NS-791 § 5, 2006)

21.04.160 Grade, existing.
"Existing grade," for the purposes of measuring building height, means the ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development. (Ord. CS-045 § IV, 2009; Ord. NS-180 § 4, 1991; Ord. 9060 § 231)

21.04.161 Grade, finished.
"Finished grade," for the purposes of measuring building height, means the final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development. (Ord. CS-045 § V, 2009)

21.04.165 Guest house or accessory living quarters.
"Guest house" or "accessory living quarters" means living quarters within an accessory building for the sole use of persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. (Ord. 9060 § 232)

21.04.166 Hazardous waste.
"Hazardous waste" shall be defined by Chapter 6.5 of Division 20 of the Health and Safety Code. (Ord. NS-208 § 1, 1992)
“Hazardous waste facility” shall be defined by Chapter 6.5 of Division 20 of the Health and Safety Code. (Ord. NS-208 § 1, 1992)

21.04.170 Hospital.
“Hospital” means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice excluding however, facilities for treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases. (Ord. 9060 § 233)

21.04.175 Hospital, mental.
“Mental hospital” means an institution licensed by state agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics and general medical practice. Establishments limiting services to juveniles below the age of five years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition. (Ord. 9060 § 234)

21.04.185 Hotel.
“Hotel” means a building in which there are five or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint. (Ord. 9060 § 236)

21.04.186 Household—Low-income.
“Low-income household” means those households whose gross income is at least fifty percent but less than eighty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development. (Ord. 207 § 2, 1992)

“Moderate-income household” means those households whose gross income is at least eighty percent but less than one hundred twenty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development. (Ord. 207 § 3, 1992)

21.04.188 Household—Very low-income.
“Very low-income household” means a household earning a gross income equal to fifty percent or less of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development. (Ord. 207 § 4, 1992)

21.04.189 Income level—Target.
“Target income level” means the income standards for very low, low and moderate income levels within San Diego County as determined annually by the U.S. Department of Housing and Urban Development and adjusted for family size. (Ord. 207 § 5, 1992)

21.04.190 Institution.
“Institution” means an establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, education or similar service to the public, groups or individuals. (Ord. 9060 § 237)
21.04.195  Kennel.
“Kennel” means a place where four or more adult dogs or cats, in any combination, are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months. (Ord. 9502 § 2, 1978; Ord. 9060 § 238)

“Kitchen” means any room or portion of a room used or intended or designed to be used for the preparation and storage of food and containing one or both of the following:
1. Cooking appliances or rough-in facilities for cooking appliances including, but not limited to: stoves or stovetops, built-in grills, ovens (gas or electric); microwave ovens or similar appliances. Rough-in facilities may include, but not necessarily be limited to: built-in counter tops and cabinetry, gas lines or electrical wiring.
2. A refrigerator or rough-in space for a refrigerator. (Ord. CS-243 § 2, 2014; Ord. 9060 § 239)

An occupied or useable horizontal and vertical space of a structure. (Ord. NS-180 § 5, 1991)

21.04.203  Liquor store.
“Liquor store” means any store designed and operated for the selling of alcoholic beverages with the selling of any other merchandise being incidental to the primary operation of selling liquor. (Ord. 9807 § 1, 1986; Ord. 9527 § 2, 1979)

21.04.205  Lodginghouse.
“Lodginghouse” means the same as boardinghouse, but no meals shall be provided. (Ord. 9060 § 240)

“Lot” means a parcel of record legally created by subdivision map, adjustment plat, certificate of compliance or a parcel legally in existence prior to incorporation of the lot into the jurisdiction of the city. Any parcel created prior to May 1, 1956, shall be presumed to be lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created. A lot shall have frontage that allows usable access on a dedicated public street accepted by the city. This street or easement shall have a minimum right-of-way width of forty-two feet. Special lot and street configurations for affordable housing projects may be allowed subject to the provisions of Section 21.53.120. (Ord. NS-602 § 1, 2001; Ord. 207 § 7, 1992; Ord. 9605 § 1, 1981; Ord. 9459 § 1, 1976; Ord. 9060 § 241)

21.04.215  Lot area.
“Lot area” means the total horizontal area within the boundary lines of a lot. (Ord. 9060 § 242)

21.04.220  Lot, corner.
“Corner lot” means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees. (Ord. 9060 § 243)

21.04.222  Lot coverage.
See “building coverage.” (Ord. NS-180 § 6, 1991)
21.04.225  **Lot depth.**

“Lot depth” means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line, connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line. (Ord. 9060 § 244)

21.04.230  **Lot, interior.**

“Interior lot” means a lot other than a corner lot or reversed corner lot. (Ord. 9060 § 245)

21.04.235  **Lot, key.**

“Key lot” means the first lot to the rear of the reversed corner lot and whether or not separated by an alley. (Ord. 9060 § 246)

21.04.240  **Lot line, front.**

“Front lot line” means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot the front lot line shall be the line separating the narrowest street frontage of the lot from the street. (Ord. 9060 § 247)

21.04.245  **Lot line, rear.**

“Rear lot line” means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

(1) For a triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;

(2) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or

(3) In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the provisions of this section be interpreted as permitting a main building to locate closer than five feet in any property line. (Ord. 9060 § 248)

21.04.250  **Lot line, side.**

“Side lot line” means any lot boundary line not a front lot line or a rear lot line. (Ord. 9060 § 249)

21.04.255  **Lot, reversed corner.**

“Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of the corner lot abuts. (Ord. 9060 § 250)

21.04.256  **Lot—Planned unit development (PUD).**

“PUD lot” means a designated portion of or division of land, air space or combination thereof within the boundaries of a planned unit development which does not meet the definition of a lot. A PUD lot may be approved by the city council as part of a planned unit development permit. A PUD lot, if so approved, need not
have frontage on a public street or otherwise comply with the requirements of the underlying zone or Title 20. (Ord. 9459 § 1, 1976)

21.04.260 Lot, through.
"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 9060 § 251)

21.04.263 Lot width.
"Lot width" means the horizontal distance of the line constituting the required front yard setback, as required in certain zone classifications. For those zone classifications without required front yards, the lot width is the horizontal distance between the side lot lines measured at right angles to a line comprising the depth of the lot at a point midway between the front and rear lot lines. All lots located on the inside of a curve of a public street whose rear property line is at least twenty feet less in length than the front property line shall have their lot width calculated, for the purpose of computing required side yard setbacks, using the average width of the lot. (Ord. NS-746 § 1, 2005; Ord. 9506 § 1, 1978; Ord. 9467 § 1, 1976; Ord. 9060 § 252)

21.04.265 Mobile building.
"Mobile building" means a structure constructed on a permanent chassis, transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, commercial, educational, or temporary housing (e.g., farmworker or transitional housing) purposes to be used primarily with a temporary foundation system. A "mobile building" requires vehicle registration from the state Department of Transportation pursuant to the state Vehicle Code and requires registration and title from the state Department of Housing and Community Development pursuant to the state Health and Safety Code. "Mobile building" does not include a recreational trailer, mobile homes, manufactured home, or prefabricated home but may include a commercial coach or trailer coach. (Ord. NS-746 § 2, 2005)

21.04.266 Mobile home.
"Mobile home" means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit to be used with or without a foundation system. "Mobile home" does not include a recreational vehicle, trailer coach, commercial coach, auto trailer or factory-built housing. (Ord. 9564 § 1, 1980)

21.04.267 Mobile home accessory structure.
"Mobile home accessory structure" means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home. (Ord. 9564 § 1, 1980)

21.04.268 Mobile home lot.
"Mobile home lot" means a portion of a mobile home park designated or used for the occupancy of one mobile home. (Ord. 9564 § 1, 1980)

21.04.269 Mobile home park.
"Mobile home park" means an area or tract of land where two or more mobile home lots are rented, leased or sold, or held out for rental, lease or sale, or owned in common as part of a condominium, to accommodate mobile homes for human habitation. "Mobile home park" does not include mobile home sales or display lots, or areas containing mobile homes used exclusively to provide temporary housing for farm employees for which a temporary occupancy permit has been issued by the Department of Public Health. (Ord. 9564 § 1, 1980)
21.04.270 Modular building.
"Modular building" means a structure not constructed on a permanent chassis, transportable in one or more sections on a separate trailer, designed for human occupancy for industrial, professional, or commercial purposes to be placed upon a permanent foundation. A "modular building" is constructed in prefabricated sections and its construction and assembly is subject to the California Building, Electrical, Mechanical, and Plumbing Codes. "Modular building" does not include mobile offices, mobile homes, manufactured home, prefabricated home, commercial coach, or trailer coach. For the purposes of permitted uses in each zone, "modular building" is considered the same as any standard building. (Ord. NS-746 § 3, 2005)

21.04.273 Motel.
"Motel" means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such word shall include motor lodges. An establishment shall be considered a motel when it is required by the Health and Safety Code of the State of California to obtain the name and address of the guests, the make, year and license number of the vehicle and the state in which it was issued. (Ord. NS-746 § 4, 2005; Ord. 9135 § 1; Ord. 9060 § 253)

21.04.275 Nonconforming structure.
"Nonconforming structure" means a structure, or portion thereof, which was lawfully erected or altered and maintained, but which, because of the application of this title to it, no longer conforms to the current requirements and development standards of the zone in which it is located. (Ord. CS-050 § II, 2009)

21.04.278 Nonconforming lot.
"Nonconforming lot" means a lot which was legally created, but which, because of the application of this title to it, no longer conforms to the current requirements and development standards of the zone in which it is located. (Ord. CS-050 § II, 2009)

21.04.280 Nonconforming nonresidential use.
"Nonconforming nonresidential use" means a nonresidential use which was lawfully established and maintained, but which, because of the application of this title to it, no longer conforms to the current use regulations of the zone in which it is located. (Ord. CS-050 § II, 2009; Ord. 9060 § 255)

21.04.281 Nonconforming residential use.
"Nonconforming residential use" means a residential use which was lawfully established and maintained, but which exceeds the growth management control point or the maximum density range of the underlying general plan land use designation. (Ord. CS-050 § II, 2009)

21.04.285 Outdoor advertising display.
"Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden, plastic or other display or device of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure or thing whatsoever. (Ord. 9060 § 256)

21.04.290 Outdoor advertising structure.
"Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display may be placed. (Ord. 9060 § 257)
21.04.290.1 Outdoor dining (incidental).
"Outdoor dining (incidental)" means an outdoor dining area that is part of any business that serves food and/or beverages for onsite consumption, such as but not limited to restaurants, bona fide eating establishments and delicatessens, and which does not exceed the limitations established in Chapter 21.26. (Ord. CS-178 § I, 2012; Ord. CS-102 § IV, 2010)

21.04.291 Pawnshop.
"Pawnshop" means any place engaged in the business of loaning money to any person, upon any personal property, personal security, or purchasing personal property and reselling such articles to the vendor or other assignee at prices previously agreed upon. (Ord. 9527 § 2, 1979)

21.04.292 Planner, city.
"City planner" means the city planner of the city or his or her designee. In addition, the term “director” as used throughout this title shall also mean the city planner unless the context clearly requires otherwise. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 6, 2003)

21.04.293 Poolhall or billiard parlor.
"Poolhall" or "billiard parlor" means any place of business where billiards or pool is played, and a fee is charged to those playing for the use of the equipment. The billiard room shall not be connected with any other business, nor shall any other business be permitted to be carried on, except that the billiard room may have therein ordinary merchandise vending machines and no more than four coin-operated games of skill, including pinball machines. A bar or cocktail lounge, having two or less pool or billiard tables, shall not be considered to be a poolhall or billiard parlor. (Ord. 9527 § 2, 1979)

21.04.295 Professional care facility.
"Professional care facility" means a facility in which food, shelter, and some form of professional service is provided such as nursing, medical, dietary, exercising or other medically recommended programs. Not included in this definition are hospitals and mental hospitals. (Ord. 9455 § 1, 1976; Ord. 9060 § 258)

"Public and quasi-public office buildings and accessory utility buildings and facilities" means and includes, but are not limited to, government office buildings and accessory utility buildings and facilities such as: water wells, water storage, pump stations, booster stations, transmission or distribution electrical substations, operating centers, gas metering and regulating stations, or neighboring telephone exchanges, with the necessary apparatus or appurtenances incident thereto. Such uses do not include water, sewer or drainage pipelines or utility buildings/facilities that are built, operated or maintained by a public utility to the extent that they are regulated by the California Public Utilities Commission. (Ord. NS-791 § 6, 2006)

21.04.298 Recreational vehicle (RV).
"Recreational vehicle" means any vehicle (self-propelled or drawn by another vehicle), including campers, motor homes, travel trailers, boats and other vehicles, whose major intended use is for recreational purposes. (Ord. 9537 § 2, 1979)

21.04.299 Recreational vehicle (RV) storage.
"Recreational vehicle storage" means any area or tract of land used substantially for the purpose of storing two or more recreational vehicles. (Ord. 9537 § 2, 1979)
21.04.299.1 Repair.
“Repair” means any improvements to correct deficiencies in a building or structure. (Ord. CS-050 § II, 2009)

21.04.299.2 Replace.
“Replace” means to construct a structure that is substantially equivalent in size, shape and location to a structure that has been destroyed or demolished. (Ord. CS-050 § II, 2009)

21.04.300 Residential care facility.
“Residential care facility” means any family home, group care facility, or similar facility, licensed by the State of California, for twenty-four hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual as provided in Section 1502 of the California Health and Safety Code. (Ord. CS-191 § II, 2012; Ord. 9455 § 1, 1976; Ord. 9060 § 259)

21.04.301 Secondhand or thrift shop.
“Secondhand shop” or “thrift shop” means a place of business that engages in buying and selling, trading or accepting for sale on consignment previously sold property, excluding bona fide antique shops. “Second-hand property” means personal property of which prior use has been made. A bona fide antique shop is one in which substantially all the merchandise is antique. “Antique” means any collectible, object of art, bric-a-brac, curio, household furniture or furnishing offered for sale upon the basis, expressed or implied, that the value of the property, in whole or in substantial part, is derived from its age or from historical associations. (Ord. 9527 § 2, 1979)

“Satellite television antenna” or “satellite antenna” means any instrument or device capable of transmitting or receiving television, microwave, or other electronic communications from a transmitter, or a transmitter relay, located in planetary orbit. This may include, but is not limited to, “satellite earth stations,” “satellite receiving dish,” and “dish antenna.” (Ord. 9785 § 1, 1986)

21.04.303 Second dwelling unit.
Second dwelling unit means a residential dwelling unit which is attached or detached from the primary dwelling unit on a lot, and which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or “primary” dwelling is situated. (Ord. NS-283 § 1, 1994)

21.04.305 Sign.
“Sign” means any outdoor advertising display or outdoor advertising structure or any indoor advertising display or indoor advertising structure designed and placed so as to be readable principally from the outside. (Ord. 9060 § 260)

21.04.306 Space or structure, habitable.
“Habitable space or structure” means any space in a structure for living, sleeping, eating or cooking. (Ord. NS-243 § 1, 1993)

21.04.307 Specified hazardous waste facility.
“Specified hazardous waste facility” shall be defined by Chapter 6.5 of Division 20 of the Health and Safety Code. (Ord. NS-208 § 1, 1992)
21.04.310 Stable, private.
"Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale. (Ord. 9060 § 261)

21.04.315 Stable, public.
"Public stable" means a stable other than a private stable. (Ord. 9060 § 262)

21.04.320 Stand.
"Stand" means a structure for the display and sale of products with no space for customers within the structure itself. (Ord. 9060 § 263)

21.04.325 State freeway.
"State freeway" means any section of a state highway which has been declared to be a freeway by resolution of the California Highway Commission pursuant to the Streets and Highways Code. (Ord. 9060 § 264)

21.04.330 Story.
"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. Underground parking, a basement or a cellar shall not be considered a story. Lofts or mezzanines shall not be considered a story provided that they do not exceed fifty percent of the floor area of the story they are located within. (Ord. NS-180 § 7, 1991; Ord. 9060 § 265)

21.04.335 Street.
"Street" means a publicly dedicated and accepted thoroughfare which affords primary means of access to abutting property and having a minimum right-of-way width of not less than forty-two feet. (Ord. NS-602 § 2, 2001; Ord. 9060 § 266)

21.04.340 Street line.
"Street line" means the boundary line between a street and the abutting property. (Ord. 9060 § 267)

21.04.345 Street, side.
"Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot. (Ord. 9060 § 268)

21.04.350 Structural alterations.
"Structural alterations" mean any changes in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines. (Ord. 9060 § 270)

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences six feet or less in height. All buildings are structures. (Ord. CS-050 § II, 2009)

21.04.355 Substandard lot.
See "Nonconforming lot." (Ord. CS-050 § II, 2009; Ord. 9060 § 269)
21.04.355.1 Supportive housing.
“Supportive housing” means housing with no limit on length of stay that is occupied by the target population (as defined in Government Code Section 65582) and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone. (Ord. CS-249 § I, 2014; Ord. CS-191 § III, 2012)

“Tattoo parlor” means any place of business that engages in tattooing persons by any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments. (Ord. 9527 § 2, 1979)

21.04.357 Time-share project.
“Time-share project” means a project in which a purchaser receives a right in perpetuity, for life, or for a term of years to the recurrent exclusive use or occupancy of a lot, parcel, unit or segment of real property annually or on some other periodic basis, for a period of time that has been, or will be, allotted from the use or occupancy periods onto which the project has been divided. (Ord. 9663 § 1, 1983)

21.04.360 To place.
The verb “to place” and any of its variants as applied to advertising displays and outdoor advertising structures, includes maintaining, erecting, constructing, posting, painting, printing, nailing, glueing or otherwise fastening, affixing or making visible in any manner whatsoever. (Ord. 9060 § 271)

21.04.362 Transitional housing.
“Transitional housing” means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone. (Ord. CS-249 § II, 2014; Ord. CS-191 § IV, 2012)

“Underground parking” means parking areas that are located completely or partially underground where the finished floor of the parking area is below grade to the point where the parking area qualifies as a basement as defined in Section 21.04.045. (Ord. CS-045 § VI, 2009; Ord. NS-204 § 3, 1992; Ord. NS-180 § 8, 1991)

21.04.375 Use.
“Use” means the purpose for which land or building is arranged, designed or intended, or for which either is or may be occupied or maintained. (Ord. 9060 § 274)

21.04.376 Useable living area.
“Useable living area” means the area of a building intended for habitation and/or use by the building’s occupants. (Ord. NS-204 § 4, 1992; Ord. NS-180 § 9, 1991)

21.04.378 Veterinarian and small-animal hospital.
“Veterinarian and small-animal hospital” means a place of business operated by a qualified veterinarian for the treatment of small domestic animals, where boarding, training and grooming of animals are only incidental to such treatment. (Ord. 9502 § 3, 1978)
21.04.378.1 Wet bar.
“Wet bar” means an area within a dwelling unit, notwithstanding a kitchen as defined in Section 21.04.200, designed for the purpose of preparing beverages and containing a small counter top and sink with running water. For the purposes of this section, a wet bar does not contain:

1. Gas lines or electrical wiring exceeding one hundred and ten volts that could power cooking appliances including, but not limited to: stoves or stovetops, built-in grills, ovens (gas or electric); microwave ovens or similar appliances.

2. A refrigerator exceeding six cubic feet in capacity or rough-in space for a refrigerator exceeding six cubic feet in capacity, (the typical dimensions of which are:
   a. Depth of twenty-five inches;
   b. Height of thirty-five inches; and
   c. Width of twenty-five inches).

3. A sink or rough-in space for a sink with a waste line drain exceeding one and a half inches in diameter, a depth of eighteen inches or an overall size of two square feet.

4. Cabinetry or counter space exceeding eight lineal feet. (Ord. CS-243 § 3, 2014)

21.04.379 Wireless communication facility.
“Wireless communication facility” means any component, including antennas and all related equipment, buildings and improvements for the provision of personal wireless services defined by the Federal Telecommunications Act of 1996 and as subsequently amended. Personal wireless services include but are not limited to, cellular, personal communication services (PCS), enhanced specialized mobile radio (ESMR), paging, ground-based repeaters for satellite radio services, micro-cell antennae and similar systems which exhibit technological characteristics similar to them. (Ord. NS-791 § 31, 2006; Ord. NS-675 § 7, 2003)

21.04.380 Yard.
“Yard” means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 9060 § 275)

21.04.385 Yard, front.
“Front yard” means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition. (Ord. 9060 § 276)

21.04.390 Yard, rear line of required front.
“Rear line of the required front yard” means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard and extending across the full width of the lot. (Ord. 9060 § 277)

“Side yard” means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear line of the main building, or the rear line of the rearmost building if there is more than one, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building. (Ord. 9060 § 278)
21.04.400 Zoo, private.
“Private zoo” means any lot, building, structure, enclosure or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the State of California, or any political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire. (Ord. 9501 § 1, 1978)
Chapter 21.05

ZONE ESTABLISHMENT—BOUNDARIES

Sections:

21.05.010 Names of zones.
21.05.020 Degree of restrictiveness.
21.05.030 Establishment of zones by map.
21.05.040 Division of zoning map.
21.05.050 Changes in boundaries.
21.05.060 Uncertainty of boundaries.
21.05.070 Classification of annexed lands and unclassified property.
21.05.080 Limitation of land use.
21.05.090 Area zoning symbols.
21.05.095 Combination zoning.

21.05.010 Names of zones.
In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, thirty-six classes of zones and overlay zones are established by this title to be known as follows:

C-1—Neighborhood Commercial Zone
C-2—General Commercial Zone
C-F—Community Facilities Zone
C-L—Local Shopping Center Zone
C-M—Heavy Commercial-Limited Industrial Zone
C-T—Commercial Tourist Zone
E-A—Exclusive Agricultural Zone
L-C—Limited Control Zone
M—Industrial Zone
O—Office Zone
O-S—Open Space Zone
P-C—Planned Community Zone
P-M—Planned Industrial Zone
P-U—Public Utility Zone
R-1—One-Family Residential Zone
R-2—Two-Family Residential Zone
R-3—Multiple-Family Residential Zone
R-A—Residential Agricultural Zone
R-E—Residential Estate Zone
R-P—Residential-Professional Zone
R-T—Residential Tourist Zone
R-W—Residential Waterway Zone
RD-M—Residential Density-Multiple Zone
21.05.020

RMHP—Residential Mobile Home Park
T-C—Transportation Corridor Zone
V-R—Village Review Zone
BAO—Beach Area Overlay Zone
Coastal Agriculture Overlay Zone
Coastal Resource Protection Overlay Zone
Coastal Shoreline Development Overlay Zone
Coastal Resource Overlay Zone Mello I LCP Segment
C/V-SO—Commercial/Visitor-Serving Overlay Zone
F-P—Floodplain Overlay Zone
H-O—Hospital Overlay Zone
Q—Qualified Development Overlay Zone
S-P—Scenic Preservation Overlay Zone (Ord. CS-099 § I, 2010; Ord. NS-765 § 5, 2005; Ord. NS-675 § 8, 2003; Ord. 9671 § 1, 1983; Ord. 9498 § 2, 1978; Ord. 9450 § 2, 1976; Ord. 9425 §§ 1, 2, 1975; Ord. 9368 § 1, 1974; Ord. 9385 § 1, 1974; Ord. 9384 § 1, 1974; Ord. 9383 § 1, 1974; Ord. 9337 § 3, 1973; Ord. 9204 § 1, 1967; Ord. 9151 § 2; Ord. 9060 § 300)

21.05.020 Degree of restrictiveness.
"More restrictive uses," as employed in this title, means the following:

(1) Those uses first permitted in the R-1 zone are the most restrictive.

(2) All other uses are less restrictive in the order they are first permitted in the respective zones. All other zones are less restrictive in the order established by this subsection. Residential zones are more restrictive than commercial zones and commercial zones more restrictive than industrial zones.

(a) The degree of restrictiveness for residential zones shall be in a sequence from most restrictive to least restrictive as follows:
   R-1, R-E, R-A, equally restrictive except as provided in subsection (3);
   R-2, RMHP, equally restrictive;
   R-3, RD-M, equally restrictive;
   R-T, RW, equally restrictive;
   R-P, least restrictive.

(b) The degree of restrictiveness for commercial zones shall be in a sequence from most restrictive to least restrictive as follows: C-1, C-2, C-T, C-M.

(c) The degree of restrictiveness for industrial zones shall be in a sequence from most restrictive to least restrictive as follows: P-M, M.

(3) Uses permitted in the R-A zone, the O-S zone, the E-A zone and the R-E zone shall be considered to be as restrictive as those permitted in the R-1 zone, except that those uses pertaining to animals shall be considered as "more restrictive uses" for purposes of this section.

(4) The V-R, P-U and P-C zones have special conditions for their application and shall be considered as more restrictive than other zones. (Ord. NS-675 § 9, 2003; Ord. 9671 §§ 2, 3, 1983; Ord. 9498 § 3, 1978; Ord. 9450 § 3, 1976; Ord. 9425 § 2, 1975; Ord. 9385 § 1, 1974; Ord. 9384 § 1, 1974; Ord. 9151 § 3; Ord. 9060 § 301)
21.05.030  Establishment of zones by map.
The location and boundaries of the various zones are such as are shown and delineated on the zoning map of the city, which map is on file in the office of the city clerk and made a part of this title. (Ord. CS-282 § 1, 2015; Ord. CS-260 § 1, 2014; Ord. CS-228 § 1, 2013; Ord. CS-208 § 1, 2013; Ord. CS-206 § 1, 2013; Ord. CS-205 § 1, 2013; Ord. CS-173 § 1, 2012; Ord. CS-169 § 1, 2012; Ord. CS-163 § 1, 2011; Ord. CS-117 § 1, 2011; Ord. CS-113 § 1, 2010; Ord. CS-106 § 1, 2010; Ord. CS-099 § VIII, 2010; Ord. CS-091 § 1, 2010; Ord. CS-075 § 1, 2010; Ord. CS-064 § 1, 2009; Ord. CS-056 § 1, 2009; Ord. CS-030 § 1, 2009; Ord. CS-016 § 1, 2008; Ord. CS-011 § 1, 2008; Ord. NS-852 § 1, 2007; Ord. NS-847 § 1, 2007; Ord. NS-840 § 1, 2007; Ord. NS-837 § 1, 2007; Ord. NS-828 § 1, 2007; Ord. NS-823 § 1, 2006; Ord. NS-817 § 1, 2006; Ord. NS-809 § 1, 2006; Ord. NS-808 § 1, 2006; Ord. NS-803 § 1, 2006; Ord. NS-788 § 1, 2006; Ord. NS-780 § 1, 2005; Ord. NS-774 § 1, 2005; Ord. NS-748 § 1, 2005; Ord. NS-743 § 1, 2005; Ord. NS-740 § 1, 2005; Ord. NS-737 § 1, 2005; Ord. NS-735 § 1, 2004; Ord. NS-734 § 1, 2004; Ord. NS-730 § 1, 2004; Ord. NS-729 § 1, 2004; Ord. NS-723 § 1, 2004; Ord. NS-719 § 1, 2004; Ord. NS-715 § 1, 2004; Ord. NS-705 § 1, 2004; Ord. NS-697 § 1, 2004; Ord. NS-693 § 1, 2004; Ord. NS-692 § 1, 2004; Ord. NS-679 § 1, 2003; Ord. NS-673 § 1, 2003; Ord. NS-657 § 1, 2003; Ord. NS-654 § 1, 2003; Ord. 651 § 1, 2002; Ord. NS-629 § 1, 2002; Ord. NS-620 § 1, 2002; Ord. NS-619 § 1, 2002; Ord. NS-618 § 1, 2002; Ord. NS-617 § 1, 2002; Ord. NS-611 § 1, 2001; Ord. NS-610 § 1, 2001; Ord. NS-598 § 1, 2001; Ord. NS-580 § 1, 2001; Ord. NS-577 § 1, 2001; Ord. NS-576 § 1, 2001; Ord. NS-533 § 1, 2000; Ord. NS-519 § 1, 1999; Ord. NS-502 § 1, 1999; Ord. NS-481 § 1, 1999; Ord. 9425 § 2, 1975; Ord. 9060 § 302)

21.05.040  Division of zoning map.
The zoning map may, for convenience, be divided into parts, and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units, and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map. (Ord. 9425 § 2, 1975; Ord. 9060 § 303)

21.05.050  Changes in boundaries.
Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of the map, or unit of a part of the zoning map, which amended maps, or parts or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this title. (Ord. 9425 § 2, 1975; Ord. 9060 § 304)

21.05.060  Uncertainty of boundaries.
Where uncertainty exists as to the boundaries of any zone shown upon a zoning map or any part or unit thereof, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
2. In the case of unsubdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.
3. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.
4. Areas of dedicated streets or alleys and railroad rights-of-way, other than such as are designated on the zoning map as being classified in one of the zones provided in this title, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock. (Ord. 9425 § 2, 1975; Ord. 9060 § 305)
21.05.070 Classification of annexed lands and unclassified property.
Any unprezoned property which is annexed to the city and any property within the city limits which is unzoned is automatically zoned L-C. Unincorporated territory or property adjacent to the city may be prezoned for the purpose of determining a zone which will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such prezoning shall be the same as that for changing zones on property within the city. Such zoning shall become effective at such time as the annexation becomes effective. (Ord. 9425 § 2, 1975; Ord. 9337 § 2, 1973; Ord. 9183 § 1; Ord. 9060 § 306)

21.05.080 Limitation of land use.
Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed in the same zone in which such building and land is located. (Ord. 9425 § 2, 1975; Ord. 9060 § 307)

21.05.090 Area zoning symbols.
Where a number follows the zoning symbol on the zoning map, it shall represent the minimum lot area required in lieu of the minimum area established in each zone as herein defined. If the number is a thousand or larger, it refers to square feet. If the number is a hundred or less, it refers to acres. If no number follows the zoning symbol, the area prescribed in the chapter governing such zone shall apply. (Ord. 9425 § 2, 1975; Ord. 9337 § 4, 1973; Ord. 9060 § 308)

21.05.095 Combination zoning.
As provided by the Carlsbad General Plan, some areas of the city are suitable for more than one land use classification; and often, multiple land use designations are assigned to areas in the early planning stages when it is unclear what the most appropriate designation may be or where the boundaries of such designations should be located. These areas are referred to in the general plan as “combination districts.” It is the intent of this section to implement the general plan provisions for “combination districts,” as follows:

1. Two or more zones (combination zoning) may be permitted on property with two or more general plan land use designations (combination district), as a means of implementing the combination district.

2. The designation of combination zoning requires additional comprehensive planning. Prior to the approval of any permits for development of property with combination zoning, the following must occur:
   a. If the combination zoning applies to property consisting of twenty-five acres or more, a specific plan shall be approved pursuant to Section 65450 et seq. of the Government Code. The specific plan shall establish the regulations and development standards for such property and the uses permitted thereon, consistent with the underlying general plan designations.
   b. If the combination zoning applies to property consisting of less than twenty-five acres, a site development plan shall be approved and shall establish the regulations and development standards for such property and the uses permitted thereon shall be consistent with the underlying zoning designations. (Ord. CS-102 § V, 2010; Ord. 9652 § 1, 1982)
Chapter 21.06

Q QUALIFIED DEVELOPMENT OVERLAY ZONE

Sections:
21.06.010 Intent and purpose.
21.06.015 Application of Q zone.
21.06.020 Permitted uses and findings of fact.
21.06.030 Site development plan requirement.
21.06.040 Exceptions.
21.06.050 Application and fees.
21.06.060 Notices and hearings.
21.06.070 Decision-making authority.
21.06.080 Announcement of decision and findings of fact.
21.06.090 Effective date and appeals.
21.06.100 Expiration, extensions and amendments.
21.06.110 Development standards.
21.06.120 Lot requirements.
21.06.130 Final site development plan.

21.06.010 Intent and purpose.
The intent and purpose of the Q qualified development overlay zone is to supplement the underlying zoning by providing additional regulations for development within designated areas to:

(1) Require that property development criteria are used to insure compliance with the general plan and any applicable specific plans;

(2) Provide that development will be compatible with surrounding developments, both existing and proposed;

(3) Insure that development occurs with due regard to environmental factors;

(4) Allow a property to be granted a particular zone where some or all of the permitted uses would be appropriate to the area only in certain cases with the addition of specific conditions;

(5) Provide for public improvements necessitated by the development;

(6) Promote orderly, attractive and harmonious development, and promote the general welfare by preventing the establishment of uses or erection of structures which are not properly related to or which would adversely impact their sites, surroundings, traffic circulation or environmental setting;

(7) Provide a process for the review and approval of site development plans as called for by this chapter or other provisions of this code. (Ord. NS-765 § 1, 2005; Ord. 9739 § 1, 1984; Ord. 9425 § 3, 1975)

21.06.015 Application of Q zone.
(a) It is intended that the Q zone be placed on properties with unique circumstances. Examples of situations that are considered unique include but are not limited to the following:

(1) Special treatment areas as indicated in the general plan;

(2) Commercial zones that are in close proximity and relationship with residentially zoned properties;

(3) Property proposed to be developed within a floodplain;

(4) Property proposed to be developed as hillside development or other physically sensitive areas;

(5) Property where development could be detrimental to the environment, or the health, safety and general welfare of the public.
The requirements of this chapter shall not apply to adult businesses that are located on properties in the Q zone. (Ord. CS-063 § II, 2009; Ord. 9425 § 3, 1975)

Permitted uses and findings of fact.

Subject to the provisions of subsection (b), in the Q qualified development overlay zone, any principal use, accessory use, transitional use or conditional use permitted in the underlying zone is permitted, subject to the same conditions and restrictions applicable in such underlying zone and to all of the requirements of this chapter.

Notwithstanding subsection (a) of this section, no development or use shall be permitted unless the decision-making authority finds:

1. That the proposed development or use is consistent with the general plan and any applicable master plan or specific plan, complies with all applicable provisions of this chapter, and all other applicable provisions of this code;

2. That the requested development or use is properly related to the site, surroundings and environmental settings, will not be detrimental to existing development or uses or to development or uses specifically permitted in the area in which the proposed development or use is to be located, and will not adversely impact the site, surroundings or traffic circulation;

3. That the site for the intended development or use is adequate in size and shape to accommodate the use;

4. That all of the yards, setbacks, walls, fences, landscaping, and other features necessary to adjust the requested development or use to existing or permitted future development or use in the neighborhood will be provided and maintained;

5. That the street system serving the proposed development or use is adequate to properly handle all traffic generated by the proposed use; and

6. The proposed development or use meets all other specific additional findings as required by this title. (Ord. CS-178 § III, 2012; Ord. NS-765 § 1, 2005; Ord. 9739 § 2, 1984; Ord. 9425 § 3, 1975)

Site development plan requirement.

Unless specifically exempted from the requirements of this chapter, no building permit or other entitlement shall be issued for any use in the Q zone unless there is a valid site development plan approved for the property. (Ord. 9425 § 3, 1975)

Exceptions.

The following uses are exempted from the site development plan requirements:

1. One single-family residential structure may be constructed or enlarged on any residentially zoned lot;

2. One office building of less than one thousand square feet may be constructed on any commercially or industrially zoned lot;

3. One enlargement of less than one thousand square feet of any existing commercial or industrial building on any commercially or industrially zoned lot. (Ord. 9425 § 3, 1975)

Application and fees.

The city planner shall prescribe the form for site development plan applications and may prescribe the type of information to be submitted. No application shall be accepted unless it complies with such requirements. The application after payment of the required fee shall be filed with the city planner. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9425 § 3, 1975)
21.06.060 Notices and hearings.
A. Notice of an application for a minor site development plan shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.
B. Notice of an application for a site development plan shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § IV, 2012; Ord. CS-164 § 11, 2011; Ord. NS-675 § 81, 2003; Ord. 1261 § 36, 1983; Ord. 9568 § 2, 1980; Ord. 9425 § 3, 1975)

21.06.070 Decision-making authority.
A. Applications for minor site development plans or site development plans shall be acted upon in accordance with the following:
   1. Minor Site Development Plan.
      a. An application for a minor site development plan may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
      b. The city planner may approve or conditionally approve the minor site development plan if all of the findings of fact in Section 21.06.020 of this title are found to exist.
   2. Site Development Plan.
      a. An application for a site development plan may be approved, conditionally approved or denied by the planning commission based upon its review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at the public hearing.
      b. The planning commission shall hear the matter, and may approve or conditionally approve the site development plan if all of the findings of fact in Section 21.06.020 of this title are found to exist. (Ord. CS-178 § IV, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9739 § 3, 1984; Ord. 1256 § 7, 1982; Ord. 9425 § 3, 1975)

21.06.080 Announcement of decision and findings of fact.
When a decision on a minor site development plan or site development plan is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § IV, 2012; Ord. 9425 § 3, 1975)

21.06.090 Effective date and appeals.
A. Decisions on minor site development plans shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title.
B. Decisions on site development plans shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title. (Ord. CS-178 § IV, 2012; Ord. NS-765 § 1, 2005; Ord. NS-402 § 6, 1997; Ord. 207 § 8, 1992; Ord. 9425 § 3, 1975)

21.06.100 Expiration, extensions and amendments.
A. The expiration period for an approved minor site development plan or site development plan shall be as specified in Section 21.58.030 of this title.
B. The expiration period for an approved minor site development plan or site development plan may be extended pursuant to the provisions of Section 21.58.040 of this title.
C. An approved minor site development plan or site development plan may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § IV, 2012; Ord. 9425 § 3, 1975)
21.06.110  Development standards.
Property in the Q zone shall be subject to the development standards required in the underlying zone and any applicable master plan or specific plan, except for affordable housing projects as expressly modified by the site development plan. The site development plan for affordable housing projects may allow less restrictive development standards than specified in the underlying zone or elsewhere, provided that the project is in conformity with the general plan and adopted policies and goals of the city, it would have no detrimental effect on public health, safety and welfare, and, in the coastal zone, any project processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density. In addition, the city planner in approving a minor site development plan, or the planning commission or the city council in approving a site development plan may impose special conditions or requirements which are more restrictive than the development standards in the underlying zone or elsewhere that include provisions for, but are not limited to, the following:

1. Special setbacks, yards, active or passive open space, required as part of the entitlement process;
2. Special height and bulk of building regulations;
3. Fences and walls;
4. Regulation of signs;
5. Additional landscaping;
6. Special grading restrictions;
7. Requiring street dedication and improvements (or posting of bonds);
8. Requiring public improvements either on or off the subject site that are needed to service the proposed development;
9. Time period within which the project or any phases of the project shall be completed;
10. Regulation of point of ingress and egress;
11. Architecture, color, texture, materials and adornments;
12. Such other conditions as deemed necessary to insure conformity with the general plan and other adopted policies, goals or objectives of the city. (Ord. CS-178 § IV, 2012; Ord. 9425 § 3, 1975)

21.06.120  Lot requirements.
The Q zone may be placed on any size or dimensioned, legally created lot. (Ord. CS-178 § IV, 2012; Ord. 9425 § 3, 1975)

21.06.130  Final site development plan.
A. After approval the applicant shall submit a reproducible copy of the minor site development plan or site development plan which incorporates all requirements of the approval to the city planner. Prior to signing the final minor site development plan or site development plan, the city planner shall determine that all applicable requirements have been incorporated into the plan.
B. The final signed minor site development plan or site development plan shall be the official site layout plan for the property and shall be attached to any application for a grading and/or a building permit on the subject property. (Ord. CS-178 § IV, 2012; Ord. NS-675 § 11, 2003; Ord. NS-506 § 1, 1999; Ord. NS-352 § 1, 1996; Ord. 9425 § 3, 1975)
Chapter 21.07

E-A EXCLUSIVE AGRICULTURAL ZONE

Sections:
21.07.010 Intent and purpose.
21.07.020 Permitted uses.
21.07.050 Lot area, minimum.
21.07.060 Lot width, minimum.
21.07.070 Front yard.
21.07.080 Side yards.
21.07.090 Rear yard.
21.07.100 Building height.
21.07.110 Lot coverage.
21.07.120 Development standards.

21.07.010 Intent and purpose.
The intent and purpose of the E-A zone district is to:

(1) Provide for those uses, such as agriculture, which are customarily conducted in areas which are not yet appropriate or suited for urban development;

(2) Protect and encourage agricultural uses wherever feasible;

(3) Implement the goals and objectives of the general plan;

(4) Recognize that agricultural activities are a necessary part of the ongoing character of Carlsbad;

(5) Help assure the continuation of a healthy, agricultural economy in appropriate areas of Carlsbad. (Ord. NS-9384 § 2, 1974)

21.07.020 Permitted uses.
A. In an E-A zone, notwithstanding any other provision of this title, only the uses listed in Table A below, shall be permitted subject to the requirements and development standards specified in this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.

C. A use similar to those listed in Table A, may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this exclusive agricultural zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.
Table A
Permitted Uses

In the table below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates use is permitted. (See note 6 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 6 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses and structures (see note 4)</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Airports</td>
<td>3</td>
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<tr>
<td>Animals and poultry—small (less than 25) (see note 1)</td>
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<td>X</td>
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<tr>
<td>Animals and poultry—small (more than 25) (see note 1)</td>
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<tr>
<td>Apiary/bee keeping (subject to Section 21.42.140(B)(5))</td>
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<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
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<tr>
<td>Aviary</td>
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<td></td>
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<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td>2</td>
<td></td>
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<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td>2</td>
<td></td>
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<tr>
<td>Cattle, sheep, goats and swine production (see note 2)</td>
<td>X</td>
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<tr>
<td>Cemeteries</td>
<td>3</td>
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<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
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<tr>
<td>Columbariums, crematories, and mausoleums (not within a cemetery)</td>
<td>2</td>
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<tr>
<td>Crop production</td>
<td>X</td>
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<tr>
<td>Drive-thru facilities (not restaurants)</td>
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<td></td>
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<tr>
<td>Dwelling, single-family (farm house)</td>
<td>X</td>
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<td>Fairgrounds</td>
<td>3</td>
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<tr>
<td>Family day care home (large) (defined: Section 21.04.147; subject to Chapter 21.83)</td>
<td>X</td>
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<tr>
<td>Family day care home (small) (defined: Section 21.04.148; subject to Chapter 21.83)</td>
<td>X</td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td>X</td>
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<tr>
<td>Floriculture</td>
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<tr>
<td>Golf courses</td>
<td>3</td>
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<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
<td>X</td>
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<tr>
<td>Guest house</td>
<td>X</td>
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<tr>
<td>Hay and feed stores</td>
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<tr>
<td>Horses, private use</td>
<td>X</td>
<td></td>
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<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<tr>
<td>Mobile home (see note 5)</td>
<td>X</td>
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<tr>
<td>Nursery crop production</td>
<td>X</td>
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<tr>
<td>Other uses or enterprises similar to the above customarily carried on in the field of agriculture</td>
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<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Plant nurseries and nursery supplies</td>
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<tr>
<td>Processing plant (for crops) (subject to Section 21.04.140(B)(115))</td>
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<tr>
<td>Produce/flower stand for display and sale of products produced on the same premises</td>
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<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
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<td>-------------------------------------------------------------------</td>
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<td>(see note 3)</td>
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<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td>2</td>
<td></td>
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<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td>2</td>
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<tr>
<td>Recreation facilities</td>
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<tr>
<td>Satellite television antennae (subject to Section 21.53.130, et seq.)</td>
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<td>X</td>
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<tr>
<td>Signs (subject to Chapter 21.41; defined: Section 21.04.305)</td>
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<td>X</td>
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<tr>
<td>Stables/riding academies (defined: Sections 21.04.310 and 21.04.315)</td>
<td>2</td>
<td></td>
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<tr>
<td>Stadiums</td>
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<tr>
<td>Tree farms</td>
<td>X</td>
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<tr>
<td>Truck farms</td>
<td>X</td>
<td></td>
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<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)</td>
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<tr>
<td>Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))</td>
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<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
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<tr>
<td>Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)</td>
<td>2</td>
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</tbody>
</table>

**Notes:**

1. Small animals and poultry. Provided that not more than twenty-five of any one or combination thereof shall be kept within seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of a parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.

2. Cattle, sheep, goats and swine production. Provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Said animals shall not be located within seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of a parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.

3. Produce/flower stands. Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.

4. Accessory uses/structures. Include but are not limited to: private garages, children’s playhouses, radio and television receiving antennae, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.


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


21.07.050 Lot area, minimum.
The minimum required area of a lot in the E-A zone district shall conform to the area expressed in acres of not less than the number following the zoning symbol on the official zoning map, except that in no event shall a lot be created into less than ten acres in area.

Example: E-A-15 shall mean fifteen-acre minimum lot required. (Ord. 9384 § 2, 1974)

21.07.060 Lot width, minimum.
Every lot hereafter created in the E-A zone shall maintain a minimum width at the rear line of the required front yard of not less than three hundred feet. (Ord. 9384 § 2, 1974)
21.07.070  **Front yard.**
No building or structure, except as otherwise provided by this chapter, shall be erected or placed less than forty feet from the front lot line. (Ord. 9384 § 2, 1974)

21.07.080  **Side yards.**
Every lot and building site shall have a side yard on each side of the lot or building site, and each side yard, except as otherwise provided by this chapter, shall be not less than fifteen feet in width. (Ord. 9384 § 2, 1974)

21.07.090  **Rear yard.**
Every lot and building site, except as otherwise provided by this chapter, shall have a rear yard not less than twenty-five feet in depth. (Ord. 9384 § 2, 1974)

21.07.100  **Building height.**
No building in the E-A zone used for dwelling purposes, wherever located, and no building or structure used for other than dwelling purposes and located less than one hundred feet from any property line, shall exceed thirty feet and two stories if a minimum roof pitch of three to twelve (3:12) is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided. A building or structure used for other than dwelling purposes and located one hundred feet or more from any property line may exceed the maximum allowable height pursuant to conditional use permit. Single-family residences on lots with a lot area of twenty thousand square feet or greater shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-204 § 5, 1992; Ord. NS-180 § 10, 1991; Ord. 9384 § 2, 1974)

21.07.110  **Lot coverage.**
Lot coverage with buildings and structures shall not exceed forty percent of the lot. Buildings and structures used for growing or raising plants are not counted as coverage. (Ord. 9427 § 3, 1975; Ord. 9384 § 2, 1974)

21.07.120  **Development standards.**
No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this zone unless such dwelling unit complies with the following development standards:

1. Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, shall be architecturally integrated with and have an exterior similar to the dwelling unit.

2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the requirements of this section.

3. Exterior siding material shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the city planner. The city planner may approve a siding material other than those listed in this section only if he or she finds that use of such material is in harmony with other dwelling units in the neighborhood.

4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the city planner. No roof shall be made of corrugated, extruded or stamped metal.

5. All dwelling units shall have a minimum width of twenty feet. (Ord. CS-164 § 10, 2011; Ord. CS-102 § VIII, 2010; Ord. NS-675 § 76, 2003; Ord. 1261 § 37, 1983; Ord. 9599 § 2, 1981)
Chapter 21.08

R-A RESIDENTIAL AGRICULTURAL ZONE*

Sections:

21.08.010 Intent and purpose.
21.08.020 Permitted uses.
21.08.030 Building height.
21.08.040 Front yard.
21.08.050 Side yards.
21.08.060 Placement of buildings.
21.08.070 Minimum lot area.
21.08.080 Lot width.
21.08.090 Lot coverage.
21.08.100 Development standards.


21.08.010 Intent and purpose.
1. Implement the residential low density (RL) and residential low-medium density (RLM) land use designations of the Carlsbad general plan; and
2. Provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 5, 2004)

21.08.020 Permitted uses.
A. In an R-A zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted subject to the requirements and development standards specified in this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
## Table A
### Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- “P” indicates use is permitted. (See note 7 below)
- “CUP” indicates use is permitted with approval of a conditional use permit. (See note 7 below)
- 1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
- 2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
- 3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Uses</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see note 1, below) (defined: Section 21.04.020)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Agricultural crops</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural stand (for display of products raised on premises) (&quot;stand&quot; defined: Section 21.04.320)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal keeping/grazing (horses, sheep or bovine animals), excluding dairies (see notes 2 and 4, below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal keeping (poultry, rabbits, chinchillas and any fur bearing animals for domestic or commercial purposes) (see notes 3 and 4, below)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td></td>
<td>2</td>
<td></td>
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<tr>
<td>Cemeteries</td>
<td></td>
<td>3</td>
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</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries and other places of worship</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Dwelling, one-family (defined: Section 21.04.125)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Family day care home (large), subject to Chapter 21.83 (defined: Section 21.04.147)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family day care home (small), subject to Chapter 21.83 (defined: Section 21.04.148)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf courses (see note 5, below)</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Home occupation (subject to Section 21.10.040)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mobile home (see note 6, below) (defined: Section 21.04.266)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds (600 square feet maximum)</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Plant nursery/nursery supplies</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite TV antennae (subject to Section 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second dwelling unit (subject to Section 21.10.030; defined: Section 21.04.303)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
21.08.030 Building height.
A. No building in the R-A zone shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty-thousand square feet.

B. Single-family residences on lots with a lot area of twenty thousand square feet or greater and within an R-A zone and specifying a -20 or greater area zoning symbol shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-718 § 5, 2004)

21.08.040 Front yard.
Every lot in an R-A zone shall have a front yard which has a depth of not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zone property, the required front yard need not exceed fifteen feet. (Ord. NS-718 § 5, 2004)

21.08.050 Side yards.
A. In the R-A zone every lot shall have side yards as follows:
   1. Interior lots shall have the following side yards:
       a. A side yard shall be provided on each side of the lot which side yard has a width equal to ten percent of the lot width; provided, that such side yard shall not be less than five feet in width and need not exceed ten feet;
   i. The width of one side yard may be reduced, subject to the following:
21.08.060

(A) The opposite side yard shall be increased in width by an amount equal to the reduction or shall be a minimum of ten feet in width, whichever is greater;

(B) The reduced side yard shall not be less than five feet in width nor shall it abut a lot or parcel of land with an adjacent reduced side yard;

(C) In the event special circumstances exist, such as extreme topographical features and/or irregular shaped lots (such as those which front on cul-de-sacs), a reduced side yard may be permitted adjacent to a reduced side yard, provided a minimum of ten feet between buildings is maintained.

2. Corner lots and reversed corner lots shall have the following side yards:
   a. On the side lot line which adjoins another lot, the side yard shall be equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet; and
   b. On the side street, the width of the required side yard shall be ten feet and such side yard shall extend the full length of the lot. (Ord. CS-178 § VI, 2012; Ord. CS-164 § 10, 2011; Ord. NS-718 § 5, 2004)

21.08.060 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

1. Interior Lots.
   a. No building shall occupy any portion of a required yard;
   b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on such lot;
   c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall not be less than ten feet;
   d. All accessory structures shall comply with the following development standards:
      i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
      ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
      iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
      iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
      v. Buildings shall not exceed one story,
      vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
   e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/forteen-foot height limitation imposed on accessory structures;
   f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
   g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above
grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

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

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

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

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

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

2. Corner Lots and Reversed Corner Lots.

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

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

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

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

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

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

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

iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

v. Buildings shall not exceed one story,

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

e. Second dwelling units constructed above detached garages, located within a lot’s buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;

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

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

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

ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet and an alley setback of five feet,
iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

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

h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. NS-718 § 5, 2004)

21.08.070 Minimum lot area.
A. The minimum required area of a lot in the R-A zone when the zone implements the RL land use designations shall be not less than one-half acre (twenty-one thousand seven hundred eighty square feet), unless a greater minimum lot area is specified on the zoning map (ex. R-A-2.5 = two and one-half acre minimum lot area).

B. The minimum required area of a lot in the R-A zone, when the zone implements the RLM land use designation, shall be not less than seven thousand five hundred square feet, unless otherwise shown on the zoning map. (Ord. NS-718 § 5, 2004)

21.08.080 Lot width.
A. In the R-A zone every lot shall have a minimum lot width as follows:
   1. Lots required to have an area up to ten thousand square feet, sixty feet;
   2. Lots required to have an area of at least ten thousand square feet and up to twenty thousand square feet, seventy-five feet;
   3. Lots required to have an area of twenty thousand square feet or more, eighty feet.

B. The official or decision-making body with the authority to otherwise approve the subdivision may approve panhandle or flag-shaped lots where the lot width and yards shall be measured in accord with this section if the following circumstances are found to exist:
   1. The property cannot be served adequately with a public street without panhandle lots due to unfavorable conditions resulting from unusual topography, surrounding land development, or lot configuration; and
   2. Subdivision with panhandle lots will not preclude or adversely affect the ability to provide full public street access to other properties within the same block of the subject property.

C. In approving a panhandle lot a determination shall be made as to what portion of such lot shall be the buildable lot; for purposes of this chapter, the buildable portion shall be the entire lot exclusive of any portion of the lot less than thirty-five feet in width that is used for access to the lot. Also, a determination shall be made on which property lines of the buildable lots are the front, sides and rear for purposes of providing required yards.

D. Any panhandle lot approved pursuant to this section shall meet the following requirements:
   1. The area of the buildable portion of the lot shall be a minimum ten thousand square feet or the minimum required by the zone, whichever is greater. In zone districts permitting less than ten thousand square-foot lots, the buildable portion of the lot may be less than ten thousand square feet provided the official or decision-making body with the authority to otherwise approve the subdivision finds from evidence submitted on a site plan that all requirements of this section will be met; however, in no case shall the buildable portion of the lot be less than eight thousand square feet in area. If a site plan for a subdivision with panhandle lots, with a buildable portion of less than ten thousand square feet, is approved, development within such subdivision shall conform to the plan as approved;
2. The width requirements for the buildable portion of the lot shall be met as required for lots in the zone district;
3. The yard requirements of the zone district shall be met as required for interior lots;
4. The length of the portion of the lot fronting on a public street or publicly dedicated easement afforded access to the buildable lot shall not be greater than one hundred fifty feet for a single lot or two hundred feet when two such lots are adjoining. The minimum width for such access portion shall be twenty feet except where the access portion is adjacent to the same portion of another such lot, in which case the required minimum frontage shall be fifteen feet, provided a joint easement, ensuring common access to both such portions, is recorded;
5. An improved driveway shall be provided within the access portion of the lot from the public street or public easement to the parking area on the buildable lot at least fourteen feet wide for single lots and twenty feet wide when serving more than one lot. The minimum overhead clearance shall be ten feet. The driveway shall be constructed to accommodate public service vehicles with a minimum of two-inch thick asphalt concrete paving on proper base with rolled edges;
6. Drainage from the lot shall be channeled down the private access to a public street or special drainage means must be provided to the satisfaction of the city engineer;
7. Each lot shall have three nontandem parking spaces with an approach not less than twenty-four feet in length with proper turnaround space to permit complete turnaround for forward access to the street. This parking and access arrangement shall be designed to the satisfaction of the city engineer;
8. Structures permitted in the access portion of the lot shall be limited to mailboxes, fences, trash enclosures, landscape containers and nameplates. Except for mailboxes, these structures shall not be greater than forty-two inches in height if located within twenty feet of the street property line or greater than six feet in height beyond this point;
9. The property owner of such a lot shall agree to hold the city or any other public service agency harmless from liability for any damage to the driveway when being used to perform a public service;
10. Any other condition the official or decision-making body with the authority to otherwise approve the subdivision may determine to be necessary to properly develop such property. (Ord. CS-178 § VII, 2012; Ord. NS-718 § 5, 2004)

21.08.090 Lot coverage.
Lot coverage with buildings and structures shall not exceed forty percent of the lot. Buildings and structures used for growing or raising plants are not counted as coverage. (Ord. NS-718 § 5, 2004)

21.08.100 Development standards.
A. No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this zone unless such dwelling unit complies with the following development standards:
   1. Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, shall be architecturally integrated with and have an exterior similar to the dwelling unit.
   2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the requirements of this section.
   3. Exterior siding material shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the city planner. The city planner may approve a siding material other than
those listed in this section only if he or she finds that use of such materials is in harmony with other dwelling units in the neighborhood.

4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the city planner. No roof shall be made of corrugated, extruded or stamped metal.

5. All dwelling units shall have a minimum width of twenty feet. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XII, 2010; Ord. NS-718 § 5, 2004)
Chapter 21.09

R-E RURAL RESIDENTIAL ESTATE ZONE

Sections:
21.09.010 Intent and purpose.
21.09.020 Permitted uses.
21.09.050 District requirements.
21.09.060 Storage requirements.
21.09.070 Building height.
21.09.075 Fire-retardant roof required.
21.09.080 Front yard.
21.09.090 Side yard.
21.09.100 Placement of buildings.
21.09.110 Minimum lot area.
21.09.120 Lot width.
21.09.130 Lot coverage.
21.09.140 Parking.
21.09.150 Subdivision of land.
21.09.170 Covenants, conditions and restrictions.
21.09.180 Findings required for rezoning or resubdivision to a more intensive use.
21.09.190 Development standards.

21.09.010 Intent and purpose.
The intent of the R-E zone is to provide a residential area in harmony with the natural terrain and wildlife. Where feasible or desirable, there are to be large open areas between structures, large yards and areas left in a natural setting. The zones shall be limited to single-family development, with incidental and compatible agricultural uses. Public facilities shall be sufficient to provide for convenience and safety, but need not meet full city standards. (Ord. 9498 § 4, 1978)

21.09.020 Permitted uses.
A. In an R-E zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
### Table A

#### Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- “P” indicates the use is permitted. (See note 6 below)
- “CUP” indicates that the use is permitted with approval of a conditional use permit. (See note 6 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animals and poultry — small (≤25)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Apiary/bee keeping (subject to Section 21.42.140(B)(5))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Aviary</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Barns, private garages, playhouses, windmills, silos, radio and television receiving antennas, stables and other similar accessory uses required for the conduct of the permitted uses</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td></td>
<td>2</td>
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<td>Cemeteries</td>
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<td>Churches, synagogues, temples, convents, monasteries and other places of worship</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Crop production</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-thru facilities (not restaurants)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Fairgrounds</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Family day care home (large) (defined: Section 21.04.147; subject to Chapter 21.83)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Family day care home (small) (defined: Section 21.04.148; subject to Chapter 21.83)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Floriculture</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf courses</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Grazing of ruminant animals (see note 1 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Greenhouses less than or equal to two thousand square feet, provided all requirements for yards, setbacks and height are met</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Hay and feed store</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Horses and other grazing animals (see note 2 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintaining mail address for commercial and business license purposes only (see note 3 below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mobile homes (see note 4 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One one-family dwelling unit per lot</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Plant nurseries and nursery supplies</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Poultry, rabbits, chinchillas and other small animals (see note 5 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Produce stand</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities</td>
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### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
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<th>Acc</th>
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<tr>
<td>(defined: Section 21.04.297)</td>
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<td>Recreation facilities</td>
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<td>Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)</td>
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<tr>
<td>Satellite television antennae (subject to Section 21.53.130)</td>
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<td></td>
</tr>
<tr>
<td>Second dwelling units (subject to Section 21.10.030). The development standards of this zone shall apply.</td>
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<td>Signs (subject to Chapter 21.41; defined: Section 21.04.305)</td>
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</tr>
<tr>
<td>Stables/riding academics (defined: Sections 21.04.310 and 21.04.315)</td>
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<tr>
<td>Supportive housing (defined: Section 21.04.355.1)</td>
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<tr>
<td>Transitional housing (defined: Section 21.04.362)</td>
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<td>X</td>
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<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)</td>
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<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
<td></td>
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</tr>
<tr>
<td>Youth farm projects that are sponsored by nonprofit organizations such as 4-H</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Notes:**

1. Provided that there is a minimum of ten acres of land used exclusively for such grazing and the number of horses and cattle does not exceed four per acre, or small animals, such as goats and sheep, does not exceed twelve per acre. For combining of animals, one large animal is equivalent to three small animals.

2. Provided that such animals shall not exceed one for each twenty thousand square feet of land specifically designated for such animal.

3. Provided no stock in trade, supplies, professional equipment, apparatus or business equipment, except such as are accessory to a permitted use, are kept on the premises; and provided that no employees or assistants are engaged for services on the premises except in connection with uses specifically listed as permissible in this chapter; provided, further, that no more than one motor vehicle may contain equipment, tools and stock in trade maintained therein, provided such tools and equipment are not used for the performance of services upon the premises and the stock in trade is not sold from the premises.


5. Provided that all such animals shall at all times be confined to an enclosure, and that not more than twenty-five of any one animal or combination of such animals may be maintained at any time on any single lot.

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

### 21.09.050 District requirements.

The R-E zone shall not be applied to any area of less than ten acres of contiguous land. Property separated by a public street shall be considered contiguous if more than one hundred feet of frontage is on direct opposite sides of the street. (Ord. 9498 § 4, 1978)

### 21.09.060 Storage requirements.

Storage of all equipment, supplies and recreation vehicles shall be within enclosed buildings or shall be shielded from view from public streets or easements by landscape barrier or other methods. (Ord. 9498 § 4, 1978)

### 21.09.070 Building height.

No building in the R-E zone shall exceed a height of thirty-five feet. (Ord. 9498 § 4, 1978)
21.09.075 **Fire-retardant roof required.**
All buildings in the R-E zone shall be constructed with a fire-retardant roof covering, as defined in Section 3203(e) of the 1976 edition of the Uniform Building Code. (Ord. 9498 § 4, 1978)

21.09.080 **Front yard.**
Every lot in the R-E zone shall have a front yard which has a depth of not less than seventy feet. Buildings or structures may occupy a portion of the front yard, as follows:

1. Fences of wood or wood and masonry combination, chain link or equal quality, not to exceed five feet in height, provided the fence is at least fifty percent open and is located at least ten feet from the front property line;
2. Roofed shelter for animals, open on at least three sides, provided it is located at least twenty feet from any property line fronting on a public street or easement;
3. The planning commission may approve the construction of dwellings and garages provided they are located at least twenty feet from the street property line in cases where the difference in elevation of the required front yard setback line and the center line of the street exceeds fifteen feet. Application for such reduction in required front yard setback shall be made by site development plan, as provided in Chapter 21.06. (Ord. 9498 § 4, 1978)

21.09.090 **Side yard.**
In an R-E zone, an interior side yard shall not be less than fifteen feet in width and street side yard shall not be less than fifty feet in width. The planning commission may approve the construction of dwellings and garages, provided they are located at least twenty feet from the street side yard property line in cases where the difference in elevation of the required street side yard setback line and the center line of the street exceeds ten feet. Application for such reduction in required street side yard setback shall be made by site development plan as provided in Chapter 21.06. (Ord. 9498 § 4, 1978)

21.09.100 **Placement of buildings.**
Placement of buildings on any lot shall conform to the following:

1. Except as permitted by Sections 21.09.080 and 21.09.090, no building shall occupy any portion of a required yard.
2. Any building, any portion of which is used for human habitation, shall observe a distance from any rear property line the equivalent of twice the required interior side yard.
3. The distance between buildings used for human habitation and detached accessory buildings shall not be less than ten feet.
4. The keeping of all domestic animals provided for in this chapter shall conform to all other provisions of law governing the same, and no pen, coop, stable or barn shall be erected within forty feet of any building used for human habitation or within twenty-five feet of any property line.
5. A building permit for a dwelling unit to be located further than five hundred feet from a fire hydrant shall not be issued without the approval of the fire chief. The fire chief may require the installation of additional safety equipment, including fire hydrants or stand pipes, as a condition of such approval. (Ord. 9498 § 4, 1978)

21.09.110 **Minimum lot area.**
The minimum required area of a lot in the R-E zone shall be determined by average natural slope of each lot proposed for the property. In no case shall a lot be created with an area of less than one acre. The area of a lot shall be determined by the application of the following formula:

1. Lot area requirements shall be as follows:
Average Natural Slope | Minimum Lot Size
--- | ---
0% to 12.5% | 1 acre
12.5% to 20% | 2 acres
20% to 25% | 3 acres
Over 25% | 4 acres

(2) Average natural slope shall be determined when the property is subdivided. The subdivision map shall indicate the proposed boundaries of each lot and the natural slope of each lot. To calculate average natural slope, the subdivision map shall be drawn to an appropriate scale (not greater than one inch equals two hundred feet) and contain contour intervals not greater than five feet. Computation of the average natural slope shall be done using the following formula:

\[
S = 0.00229 \times I \times L
\]

where:

- **S** = Average natural slope in percent
- **I** = Contour interval in feet
- **L** = Length of contour in feet
- **A** = Acres of area being measured

0.00229 = Constant which converts square feet into acres and expresses slope in percent

The average natural slope shall be certified by a registered civil engineer.

(3) When the subdivision is approved and recorded, the lot areas contained therein shall be a part of the zoning restrictions imposed on the subject property by this chapter. (Ord. 9498 § 4, 1978)

21.09.120 Lot width.
(1) In the R-E zone, every lot created shall have a minimum lot width of one hundred feet.

(2) The official or decision-making body with the authority to otherwise approve the subdivision may approve panhandle or flag-shaped lots where the lot width and yards shall be measured as follows.

(A) The buildable portion of the lot, which is the total area minus that portion containing the access portion (handle), shall meet the minimum area requirements of the R-E zone.

(B) The width requirement for the buildable portion of the lot shall be as required for lots in the R-E zone.

(C) The yard requirements of the R-E zone shall be met, except that front yard setbacks may be reduced to thirty feet.

(D) The minimum width of the access portion shall be twenty-four feet, except where the access portion is adjacent to the same portion of another such lot, in which case the required minimum width shall be fifteen feet, provided a joint easement ensuring common access of a minimum width of thirty feet to both such portions is recorded.

(E) An improved driveway shall be provided within the access portion of the lot from a public street or public easement to the parking area on the buildable portion of the lot which is at least fourteen feet wide for single lots and twenty feet wide when serving more than one lot. The minimum overhead clearance shall be ten feet. The driveway shall be constructed of two inch thick asphalt concrete paving on a proper base with rolled edges.

(F) Each lot shall have at least three nontandem parking spaces, with an approach not less than twenty-four feet in length, with proper turnaround space to permit complete turnaround for forward access to the street. This parking and access arrangement shall be designated to the satisfaction of the city engineer.
21.09.130

(G) Structures permitted in the access portion of the lot shall be limited to mailboxes, fences, gates, trash enclosures, landscape containers and nameplates. Except for mailboxes, these structures shall not be greater than forty-two inches in height if located within twenty feet of the street property line or greater than six feet in height beyond this point.

(H) The property owner of such a lot shall agree to hold the city or any other public service agency harmless from liability for any damage to the driveway when being used to perform a public service. (Ord. CS-178 § VIII, 2012; Ord. NS-675 §§ 19, 20, 2003; Ord. 1256 § 7, 1982; Ord. 9498 § 4, 1978)

21.09.130 Lot coverage.
All buildings including accessory buildings and structures, excluding greenhouses, shall not cover more than twenty percent of the area of the lot. (Ord. 9498 § 4, 1978)

21.09.140 Parking.
Notwithstanding parking requirements of Chapter 21.44, not fewer than two off-street parking spaces shall be provided for each residence. The required two spaces shall be covered by a garage or carport, and the driveway adequately paved with either concrete or asphalt cement prepared over adequate base. The following is an exception to the two parking space requirement:

One additional paved off-street (covered or uncovered) parking space shall be provided for a second dwelling unit and shall comply with the requirements of Chapter 21.44 of this title. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback. (Ord. NS-283 § 13, 1994; Ord. 9498 § 4, 1978)

21.09.150 Subdivision of land.
The subdivision of land in the R-E zone shall be subject to the following:

(1) Subdivisions shall be subject to all provisions of the city's subdivision regulations (Title 20), except as specified in Section 21.09.160.

(2) In addition, the city council will review the tentative map for compliance with the intent and purpose of the R-E zone and with the following standards:

(A) Preservation of the rural and natural characteristics of the area within the R-E zone;

(B) That the orientation of improvements on the individual sites to relate with the natural topography;

(C) Property lines shall be designed in keeping with the terrain by following natural drainage courses, ridge lines and tops of graded slopes, wherever practicable;

(D) Grading shall be minimized but, where grading is necessary, it is to blend with the natural topography wherever practicable;

(E) Favorable features of the individual sites (i.e., mature trees and other significant vegetation, rock outcroppings, mounds, view, etc.) can be preserved and maximized;

(F) The individual sites will have a desirable visual appearance from all practical view points, adjoining developments, streets, trails and other view corridors; and

(G) Each lot of the subdivision is buildable with usable access without undue alteration of the terrain.

(3) To facilitate this review, the applicant shall submit a preliminary grading plan to the city with the tentative map. The preliminary grading plan shall show existing topography, preliminary grading, drainage, drives, building pads, streets and trails. In addition, the preliminary grading plans shall indicate all areas of mature trees and native perennial vegetation.
In addition to the findings required by Title 20 and the Subdivision Map Act, the city council must also find that a subdivision is consistent with the requirements of this section. Failure of a subdivision to meet the standards of this section shall be grounds for denial. (Ord. 9498 § 4, 1978)


(a) All public facilities, dedications and improvements shall be required in accord with this code and adopted policies and standards of the city; however, as hereinafter provided, the city engineer may modify certain special public improvement standards provided the design of these modified improvements is related to the function, topography and needs of the area. Any such modifications shall be reflected as conditions of approval to a tentative subdivision map.

(b) Street improvements and dedications for streets inside subdivisions may be modified as follows:

(1) All or part of the required sidewalks, curbs, gutters or drainage structures may be waived or modified if it is found that such improvements are unwarranted and would distract from the rural character of the area. If such requirements are waived, the city engineer may require that drainage easements and/or drainage releases be made part of the tract map to ensure proper drainage over private property.

(2) Horizontal and vertical alignment standards may be modified or waived to reduce grading. In such cases, an adequate right-of-way shall be provided to accommodate possible future corrections to meet city standards.

(3) The city council shall have the option of requiring that street right-of-way be privately maintained under a property owners’ association or may accept an offer of dedication. If privately owned, the streets shall be open to the public by easement.

(c) Public sewer systems shall be required to serve each lot in the R-E zone unless specifically waived by the city council. Such waiver shall be conditioned on the installation of an alternative sewer disposal system permitted by this code and found by the city council to be feasible for each lot. The determination of the adequacy of such alternate system shall be based on detailed soils testing on each existing or proposed lot as provided for by the county health department. If an alternate system is approved, the subdivider shall prepare plans for a future public sewer system as a backup system. Dedication of all easements necessary to construct such a backup public sewer system shall be required as a condition of final map approval.

(d) Any modification pursuant to this section shall not relieve the subdivider from providing public facilities, dedications and improvements that also provide services necessary for the welfare of the general public, as required by the general plan, applicable specific plans or city ordinances or policies. (Ord. NS-602 § 3, 2001; Ord. 9498 § 4, 1978)

21.09.170 Covenants, conditions and restrictions.
The filing of a tentative map in an R-E zone shall include the submittal of proposed private deed covenants, conditions and restrictions. As a minimum these documents shall include the following provisions:

(1) Lots in the R-E zone may not be resubdivided.

(2) Minimum floor area for dwelling units shall be included.

(3) Provisions for the maintenance of private property, including private streets, pedestrian and equestrian trails and open areas, are in a manner consistent with the purposes of this zone.

(4) The city shall be a party.

(5) The covenants, conditions and restrictions may not be amended without the approval of the city council. They must be approved by the city council prior to approval of the final map and they must be recorded. (Ord. 9498 § 4, 1978)
21.09.180 **Findings required for rezoning or resubdivision to a more intensive use.**

Once an R-E zone has been adopted and subdivisions have occurred under the provisions of this chapter, no rezoning or resubdivision to a more intensive use may be granted on any lot without a finding by the city council, in addition to all other findings required by law, that an improvement district has been formed which will provide for the financing of the improvements necessary to bring all public improvements, on-site and off-site, to full city standards and specifications applicable at the time of such rezoning, or that said improvements have otherwise been provided. This restriction shall be made a part of the covenants, conditions and restrictions required by Section 21.09.170. (Ord. 9498 § 4, 1978)

21.09.190 **Development standards.**

No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this zone unless such dwelling unit complies with the following development standards:

1. **Garage(s),** which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, shall be architecturally integrated with and have an exterior similar to the dwelling unit.

2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the requirements of this section.

3. Exterior siding material shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the city planner. The city planner may approve a siding material other than those listed in this section only if he finds that use of such material is in harmony with other dwelling units in the neighborhood.

4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the city planner. No roof shall be made of corrugated, extruded or stamped metal.

5. All dwelling units shall have a minimum width of twenty feet. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XVI, 2010; Ord. NS-675 § 76, 2003; Ord. NS-283 § 14, 1994; Ord. 1261 § 39, 1983; Ord. 9599 § 2, 1981)
Chapter 21.10

R-1 ONE-FAMILY RESIDENTIAL ZONE*

Sections:
- 21.10.010 Intent and purpose.
- 21.10.020 Permitted uses.
- 21.10.030 Second dwelling units.
- 21.10.040 Home occupations.
- 21.10.050 Building height.
- 21.10.060 Front yard.
- 21.10.070 Side yards.
- 21.10.080 Placement of buildings.
- 21.10.090 Minimum lot area.
- 21.10.100 Lot width.
- 21.10.110 Lot coverage.
- 21.10.120 Development standards.
- 21.10.125 Farmworker housing complex standards.
- 21.10.130 Severability.


21.10.010 Intent and purpose.
A. The intent and purpose of the R-1 one-family residential zone is to:
   1. Implement the residential low density (RL), residential low-medium density (RLM) and residential medium density (RM) land use designations of the Carlsbad general plan; and
   2. Provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 7, 2004)

21.10.020 Permitted uses.
A. In an R-1 zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.

C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
### Table A

**Permitted Uses**

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- “P” indicates use is permitted. (See note 4 below)
- “CUP” indicates use is permitted with approval of a conditional use permit. (See note 4 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
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</thead>
<tbody>
<tr>
<td>Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (defined: Section 21.04.020)</td>
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<tr>
<td>Agricultural crops</td>
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<tr>
<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
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<tr>
<td>Animal keeping (horses) (see note 1, below)</td>
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<tr>
<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
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<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
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<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
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<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
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<td>Cemeteries</td>
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<td>Churches, synagogues, temples, convents, monasteries and other places of worship</td>
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<tr>
<td>Dwelling, one-family (defined: Section 21.04.125) (see note 3, below)</td>
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<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<tr>
<td>Family day care home (large) (subject to Chapter 21.83; defined: Section 21.04.147)</td>
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<tr>
<td>Family day care home (small) (subject to Chapter 21.83; defined: Section 21.04.148)</td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
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<td>Golf courses (see note 2, below)</td>
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<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
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</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Home occupation (subject to Section 21.10.040)</td>
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<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<td>2</td>
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<tr>
<td>Packing/sorting sheds (600 square feet maximum)</td>
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<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>Signs (subject to Chapter 21.41; defined: Section 21.04.305)</td>
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<td>X</td>
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</tr>
<tr>
<td>Supportive housing (defined: Section 21.04.355.1)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Temporary bldg./trailer (real estate or construction) (subject to Sections 21.53.090 and 21.53.110)</td>
<td></td>
<td>X</td>
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<tr>
<td>Transitional housing (defined: Section 21.04.362)</td>
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<td></td>
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<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
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</tr>
</tbody>
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772
Use
Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)  2

Notes:
1. On each lot or combination of adjacent lots under one ownership, there may be kept one horse for each ten thousand square feet in the lot or lots; provided, however, that any such horse may be kept only if it is fenced and stabled so that at no time it is able to graze, stray or roam closer than seventy-five feet to any building used for human habitation, other than buildings on the lot or lots, and as to those buildings, no closer than fifty feet.
2. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
4. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.


21.10.030 Second dwelling units.
A. The public good is served when there exists in a city housing which is appropriate for the needs of and affordable to all members of the public who reside within that city. Among other needs, there is in Carlsbad a need for affordable rental housing. Therefore, it is in the public interest for the city to promote a range of housing alternatives in order to meet the affordable rental housing needs of its citizens. This section is intended to provide a rental housing alternative by establishing a procedure to create new second dwelling units.
B. The provisions of this section shall apply to single-family zones R-A, R-E and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones and lots within multifamily zones R-2, R-3, R-P, R-T, R-W and RD-M, which are developed with single-family residences.
C. Second dwelling units developed within the coastal zone require a minor coastal development permit issued according to the provisions of Section 21.201.080 and a building permit. Second dwelling units outside of the coastal zone require a building permit.
D. The completed minor coastal development permit and/or building permit application for a second dwelling unit shall include the following information:
   1. The name(s) of the owner(s);
   2. The address of the dwelling units;
   3. The assessor’s parcel number;
   4. Building elevations and a general floor plan of the second dwelling unit;
   5. A scaled drawing showing the lot dimensions, the location of the primary and second dwelling unit, location of all vehicular parking and the total square footage of both units;
   6. Description and location of water and sanitary (sewer) services; and
   7. An owner signed and notarized a notice of restriction, to be recorded against the property, declaring that:
      a. The property owner(s) shall reside in either the main dwelling unit or the second dwelling unit, unless a lessee leases both the main dwelling and the second dwelling unit;
      b. The obligations and restrictions imposed on the second dwelling unit per this chapter are binding on all present and future property owners.
E. Second dwelling units shall comply with the following:
1. The second dwelling unit shall either be attached to the main dwelling unit and located within the habitable area of the main dwelling unit or detached from the main dwelling unit and located on the same lot as the main dwelling unit;

2. The second dwelling unit shall have a separate entrance;

3. The second dwelling unit must meet the setback, lot coverage and other development standards applicable to the zone which are not addressed within this subsection. In the coastal zone, any housing development processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density, or as otherwise specified within this subsection;

4. Attached second dwelling units shall conform to the height limits applicable to the zone and detached second dwelling units shall be limited to one story, except that second dwelling units constructed above detached garages shall be permitted and shall conform to the height limits applicable to the zone;

5. Garage conversions are prohibited unless replacement off-street garage parking is provided concurrently and in compliance with the requirements of Chapter 21.44;

6. Second dwelling units shall not be permitted on a lot or parcel having guest or accessory living quarters, or a residential care facility. Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met;

7. One additional paved off-street (covered or uncovered) parking space shall be provided for the second dwelling unit and shall comply with the requirements of Chapter 21.44. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback;

8. Adequate water and sewer capacity and facilities for the second dwelling unit must be available or made available;

9. All necessary public facilities and services must be available or made available;

10. The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is located shall not be subdivided unless each lot which would be created by the subdivision will comply with the requirements of this title and Title 20; and further provided, that all structures existing on each proposed lot will comply with the development standards applicable to each lot;

11. The total area of floor space for an attached or detached second unit shall not exceed six hundred forty square feet;

12. The second dwelling unit shall be architecturally compatible with the main dwelling unit, in terms of appearance, materials and finished quality;

13. A second dwelling unit which conforms to the requirements of this section shall be allowed to exceed the permitted density for the lot upon which it is located and shall be deemed to be a residential use consistent with the density requirements of the general plan and the zoning designation for the lot;

14. Second dwelling units intended to satisfy an inclusionary requirement shall comply with the requirements of Chapter 21.85, including but not limited to the applicable rental rates and income limit standards. (Ord. CS-178 § IX, 2012; Ord. CS-166 §§ 1, 2, 2011; Ord. CS-102 § XX, 2010; Ord. NS-718 § 7, 2004)

21.10.040 Home occupations.

A. Home occupations which are not disruptive to the residential character of the neighborhood shall be permitted as an accessory use, subject to the following conditions:
1. Home occupations shall be conducted as a secondary use by a resident or residents of the premises;
2. No employees shall be employed on the premises;
3. All home occupation activities shall be conducted entirely within the residential structure, except for permitted agricultural or horticultural uses;
4. There shall be no external alteration to the appearance of the residential structure that would reflect the existence of the home occupation;
5. No storage of materials, goods, equipment or stock in trade shall be permitted where visible from the exterior of the property;
6. No deliveries or pickups by heavy duty commercial vehicles shall be permitted;
7. Sale of goods or services shall not be conducted on the property, except for agricultural goods grown on the premises. This provision shall not be construed to prohibit taking orders for sale where delivery of goods or performance of services does not occur on the property;
8. The home occupation shall not cause any external effect that is inconsistent with the residential zone or disrupts the neighborhood, including, but not limited to, noise from equipment, traffic, lighting, offensive odor or electrical interference;
9. No advertising, signs or displays of any kind indicating the existence of the home occupation shall be permitted on the premises;
10. The home occupation shall not cause the elimination of required off-street parking;
11. The home occupation may not utilize an area greater than twenty percent of the combined total floor area of all on-site structures; and

21.10.050 Building height.
In the R-1 zone no building shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Single-family residences on lots with a lot area of twenty thousand square feet or greater and within a R-1 zone and specifying a -20 or greater area zoning symbol shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-718 § 7, 2004)

21.10.060 Front yard.
Every lot in the R-1 zone shall have a front yard which has a depth not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zoned property, the required front yard need not exceed fifteen feet. (Ord. NS-718 § 7, 2004)

21.10.070 Side yards.
A. In the R-1 zone every lot shall have side yards as follows:
   1. Interior lots shall have the following side yards:
      a. A side yard shall be provided on each side of the lot, which side yard has a width equal to ten percent of the lot width; provided, that such side yard shall not be less than five feet in width and need not exceed ten feet;
      i. The width of one side yard may be reduced, subject to the following:
         (A) The opposite side yard shall be increased in width by an amount equal to the reduction or shall be a minimum of ten feet in width, whichever is greater;
21.10.080 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

1. Interior Lots.
   a. No building shall occupy any portion of a required yard;
   b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard and from the rear property line the equivalent of twice the required side yard on such lot;
   c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet;
   d. All accessory structures shall comply with the following development standards:
      i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
      ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
      iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
      iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
      v. Buildings shall not exceed one story,
      vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
   e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;
   f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
   g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

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

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

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

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

2. Corner Lot and Reversed Corner Lots.
   a. No building shall occupy any portion of a required yard;
   b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet;
   c. Any building, any portion of which is used for human habitation shall observe a distance from the rear property line to the equivalent of twice the required interior side yard on such lot;
   d. All accessory structures shall comply with the following development standards:
      i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
      ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
      iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
      iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
      v. Buildings shall not exceed one story,
      vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
   e. Second dwelling units constructed above detached garages, located within a lot’s buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;
   f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
   g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot’s required setback areas:
      i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
      ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
      iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,
iv. The additional development standards listed above (subsections (A)(2)(g)(i) through (iii) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot’s setback area; and

h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. NS-718 § 7, 2004)

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

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

C. The minimum required area of a lot in the R-1 zone, when the zone implements the RM land use designation, shall be not less than six thousand square feet, unless otherwise shown on the zoning map. (Ord. NS-718 § 7, 2004)

21.10.100 Lot width.
A. In the R-1 zone every lot shall have a minimum lot width as follows:
   1. Lots required to have an area up to ten thousand square feet, sixty feet;
   2. Lots required to have an area of at least ten thousand square feet and up to twenty thousand square feet, seventy-five feet; and
   3. Lots required to have an area of twenty thousand square feet or more, eighty feet.

B. The official or decision-making body with the authority to otherwise approve the subdivision may approve panhandle or flag-shaped lots where the lot width and yards shall be measured in accord with this section if the following circumstances are found to exist.
   1. The property cannot be served adequately with a public street without panhandle lots due to unfavorable conditions resulting from unusual topography, surrounding land development, or lot configuration; and
   2. Subdivision with panhandle lots will not preclude or adversely affect the ability to provide full public street access to other properties within the same block of the subject property.

C. In approving a panhandle lot, a determination shall be made as to what portion of such lot shall be the buildable lot; for purposes of this chapter, the buildable portion shall be the entire lot exclusive of any portion of the lot less than thirty-five feet in width that is used for access to the lot. Also, a determination shall be made on which property lines of the buildable lots are the front, sides and rear for purposes of providing required yards.

D. Any panhandle lot approved pursuant to this section shall meet the following requirements:
   1. The area of the buildable portion of the lot shall be a minimum ten thousand square feet or the minimum required by the zone whichever is greater. In zone districts permitting less than ten thousand square-foot lots, the buildable portion of the lot may be less than ten thousand square feet provided the official or decision-making body with authority to otherwise approve the subdivision finds from evidence submitted on a site plan that all requirements of this section will be met; however, in no case shall the buildable portion of the lot be less than eight thousand square feet in area. If a site plan for a subdivision with panhandle lots with a buildable portion of less than ten thousand square feet is approved, development within such subdivision shall conform to the plan as approved;
2. The width requirements for the buildable portion of the lot shall be met as required for lots in the zone district;
3. The yard requirements of the zone district shall be met as required for interior lots;
4. The length of the portion of the lot fronting on a public street or publicly dedicated easement afforded access to the buildable lot shall not be greater than one hundred fifty feet for a single lot or two hundred feet when two such lots are adjoining. The minimum width for such access portion shall be twenty feet except where the access portion is adjacent to the same portion of another such lot, in which case the required minimum frontage shall be fifteen feet, provided a joint easement ensuring common access to both such portions is recorded;
5. An improved driveway shall be provided within the access portion of the lot from the street or public easement to the parking area on the buildable lot at least fourteen feet wide for single lots and twenty feet wide when serving more than one lot. The minimum overhead clearance shall be ten feet. The driveway shall be constructed to accommodate public service vehicles with a minimum of two-inch thick asphalt concrete paving on proper base with rolled edges;
6. Drainage from the lot shall be channeled down the private access to a public street or special drainage means must be provided to the satisfaction of the city engineer;
7. Each lot shall have three nontandem parking spaces with an approach not less than twenty-four feet in length with proper turnaround space to permit complete turnaround for forward access to the street. The parking and access arrangement shall be designed to the satisfaction of the city engineer;
8. Structures permitted in the access portion of the lot shall be limited to mailboxes, fences, trash enclosures, landscape containers and nameplates. Except for mailboxes, the structures shall not be greater than forty-two inches in height if located within twenty feet of the street property line or greater than six feet in height beyond this point;
9. The property owner of such a lot shall agree to hold the city or any other public service agency harmless from liability for any damage to the driveway when being used to perform a public service;
10. Any other condition the official or decision-making body with the authority to otherwise approve the subdivision may determine to be necessary to properly develop such property. (Ord. CS-178 § XI, 2012; Ord. NS-718 § 7, 2004)

21.10.110 Lot coverage.
Lot coverage with buildings and structures shall not exceed forty percent of the lot. Buildings and structures used for growing or raising plants or animals are not counted as coverage. (Ord. NS-718 § 7, 2004)

21.10.120 Development standards.
A. No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this zone unless such dwelling unit complies with the following development standards:
   1. Garage(s), which are provided to meet the parking requirements for dwellings pursuant to Section 21.44.020 of this title, shall be architecturally integrated with and have an exterior similar to the dwelling unit;
   2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the requirements of this section;
   3. Exterior siding materials shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the city planner. The city planner may approve a siding material other
than those listed in this section only if he or she finds that use of such material is in harmony with other dwelling units in the neighborhood;

4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the city planner. No roof shall be made of corrugated, extruded or stamped metal;

5. All dwelling units shall have a minimum width of twenty feet. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XXI, 2010; Ord. NS-718 § 7, 2004)

21.10.125 Farmworker housing complex standards.

A. Purpose.

1. The purpose of this section is to establish standards to ensure that the development of farmworker housing complexes does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Carlsbad.

2. The Employee Housing Act allows for flexibility in housing types for farmworker housing, including conventional and nonconventional structures, such as: living quarters, boardinghouse, tent, bunkhouse, mobilehome, manufactured home, recreational vehicle and travel trailers. The laws and regulations governing these structures depends on the housing type; however, all employee housing must comply with: the Employee Housing Act (Health and Safety Code Section 17000 et. seq.) and the Employee Housing Regulations (Title 25—Housing and Community Development), which outline specific requirements for the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation and heating; and the provisions of this section.

B. The provisions of this section shall apply to: 1) single-family zones E-A, R-A, R-E, R-T, R-W, RD-M, L-C and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones where agricultural uses are allowed; 2) lots within multifamily zones R-2, R-3, R-P and RMHP; 3) commercial, office and industrial zones C-1, O, C-2, C-T, C-M, C-L, M, P-M and P-U; and 4) open space zones O-S and CR-A/OS, which are developed with a farmworker housing complex.

C. The property owner shall obtain all permits and/or approvals from the City of Carlsbad, as applicable, and the State Department of Housing and Community Development (HCD) pursuant to Title 25 of the California Code of Regulations. A farmworker housing complex may require a building permit, and if located in the coastal zone, may also require a coastal development permit issued according to the provisions of Chapter 21.201 of this title.

D. A farmworker housing complex shall meet the setback, lot coverage, height, and other development standards applicable to the zone in which it is located. Additionally, a farmworker housing complex shall be located not less than seventy-five feet from barns, pens, or other structures that house live-stock or poultry, pursuant to Title 25 of the California Code of Regulations, and not less than fifty feet from any other agricultural and non-agricultural use.

E. All permanent farmworker housing shall provide landscaping around the entire perimeter of the housing to shield the housing from adjacent structures.

F. Parking shall be as required by Chapter 21.44.

G. Farmworker housing complexes shall comply, as applicable, with the following: 1) Employee Housing Act (California Health and Safety Code Sections 17000—17062); 2) Mobilehome Parks Act (California Health and Safety Code Sections 18200—18700); and Special Occupancy Parks Act (California Health and Safety Code Sections 18860—18874).

H. Within thirty days after approval from the City of Carlsbad for farmworker housing, the applicant shall record in the office of the County Registrar-Recorder/County Clerk a covenant running with the land for the benefit of the City of Carlsbad, declaring that the farmworker housing will continuously be maintained as such in accordance with Title 21 of the Carlsbad Municipal Code and also that:
1. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from State Department of Housing and Community Development (HCD) pursuant to the Employee Housing Act and the regulations promulgated thereunder;

2. The improvements required by the City of Carlsbad related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;

3. The applicant will submit the annual verification form to the city planner as required by Section 21.10.125(I); and

4. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Title 1 of the Carlsbad Municipal Code.

I. The property owner shall, if applicable: (1) complete and submit to the city planner a verification form no later than thirty days after receiving a permit to operate from HCD; (2) a verification form shall be submitted to the city planner annually to ensure compliance with Title 21 of the Carlsbad Municipal Code; and (3) the verification form shall include: information regarding the agricultural use, housing type, number of dwelling units or beds, number of occupants, occupants’ employment information, and proof that a permit to operate from HCD has been obtained and maintained.

J. Farmworker housing complex shall be removed from the property within 90 days of termination of the property’s use from agricultural production. (Ord. CS-189 § XIII, 2012)

21.10.130 Severability.

If any section, subsection, sentence, clause, phrase or part of this chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall be in full force and effect. The city council hereby declares that it would have adopted this chapter with each section, subsection, sentence, clause, phrase or part thereof regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, or parts be declared invalid or unconstitutional. (Ord. NS-718 § 7, 2004)
Chapter 21.12

R-2 TWO-FAMILY RESIDENTIAL ZONE*

Sections:
21.12.010 Intent and purpose.
21.12.070 Minimum lot area.
21.12.080 Lot width.
21.12.090 Lot coverage.


21.12.010 Intent and purpose.
A. The intent and purpose of the R-2 two-family residential zone is to:
   1. Implement the residential medium density (RM) land use designation of the Carlsbad general plan; and
   2. Provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses, as specified in this chapter. (Ord. NS-718 § 8, 2004)

A. In the R-2 zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates the use is permitted. (See note 7 below)
"CUP" indicates that the use is permitted with approval of a conditional use permit. (See note 7 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
"Acc" indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
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<tbody>
<tr>
<td>Accessory buildings/structures (ex. garages, workshops, tool sheds,</td>
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<td>patio covers, decks, etc.) (see notes 1 and 2, below) (defined:</td>
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<td>Section 21.04.020)</td>
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<td>Agricultural crops</td>
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<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
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<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
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<td>Aquaculture (defined: Section 21.04.036)</td>
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<td>Biological habitat preserve (subject to Section 21.42.140(B)(30);</td>
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<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
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<td>Cemeteries</td>
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<td>Churches, synagogues, temples, convents, monasteries and other places</td>
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<td>of worship</td>
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<td>Dwelling, one-family (defined: Section 21.04.125)</td>
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<td>Dwelling, two-family (see note 3, below) (defined: Section 21.04.130)</td>
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<td>Educational institutions or schools, public/private (defined:</td>
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<td>Section 21.04.147)</td>
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<td>Farmworker housing complex, small (subject to Section 21.10.125;</td>
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<td>Golf courses (see note 5, below)</td>
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<td>Greenhouses (2,000 square feet maximum)</td>
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<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>Home occupation (subject to Section 21.10.040)</td>
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<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined:</td>
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<td>Packing/sorting sheds (600 square feet maximum)</td>
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<td>Public/quasi-public buildings and facilities and accessory utility</td>
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<td>buildings/facilities (defined: Section 21.04.297)</td>
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<td>Residential care facilities (serving six or fewer persons) (defined:</td>
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<td>Section 21.04.300)</td>
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<tr>
<td>Satellite TV antennae (subject to Sections 21.53.130 through</td>
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<td>21.53.150; defined: Section 21.04.302)</td>
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<td>Second dwelling unit (accessory to a one-family dwelling only) (</td>
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<td>subject to Section 21.10.030; defined: Section 21.04.303)</td>
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<td>Signs (subject to Chapter 21.41; defined: Section 21.04.305)</td>
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21.12.030

Use

<table>
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<tr>
<th>Use</th>
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<th>CUP</th>
<th>Acc</th>
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<td>Supportive housing (defined: Section 21.04.355.1)</td>
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<td>Temporary bldg./trailer (real estate or construction) (subject to Sections 21.53.090 and 21.53.110)</td>
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<td>Transitional housing (defined: Section 21.04.362)</td>
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<td>Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)</td>
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</table>

Notes:
1. Private garages (defined: Section 21.04.150) shall accommodate not more than two cars per dwelling unit.
2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Section 21.04.165).
3. If a one-family dwelling existed on a lot on the effective date of the ordinance codified in this title, a second one-family dwelling may be erected. Also, on corner lots two one-family dwellings may be erected if one house faces the street upon which such lot fronts and the other house faces upon the side street.
4. A multiple-family dwelling with a maximum of four units may be erected when the side lot line of a lot abuts R-P, commercial or industrial zoned lots, but in no case shall the property consist of more than one lot, or be more than ninety feet in width.
5. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.


No building in the R-2 zone shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Buildings on lots with a lot area of twenty thousand square feet or greater shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-718 § 8, 2004)

Every lot in the R-2 zone shall have a front yard which has a depth not less than twenty feet, except that on key lots and on lots which side upon commercially or industrially zoned property, the depth of the required front yard need not exceed fifteen feet. (Ord. NS-718 § 8, 2004)

A. In the R-2 zone every lot shall have side yards as follows:
   1. Interior lots shall have the following side yards:
      a. A side yard shall be provided on each side of the lot which side yard has a width equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet;
      b. The city planner may approve a reduction in width of one side yard provided that the opposite side yard is increased in width by an amount equal to the reduction. The reduced side yard shall not be less than five feet in width nor shall it abut a lot or parcel of land with an adjacent reduced side yard, nor shall the increased side yard have a width of less than ten feet; and
21.12.060

[81x62]c. In the event special circumstances exist, such as extreme topographical features and/or irregular shaped lots (such as those which front on cul-de-sacs), the city planner may approve the application of a reduced side yard adjacent to a reduced side yard, subject to the following condition: a minimum of ten feet between buildings shall be maintained.

2. Corner lots and reversed corner lots shall have the following side yards:
   a. On the side lot line which adjoins another lot, the side yard shall be equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet; and
   b. On the side street, the width of the required side yard shall be ten feet and such side yard shall extend the full length of the lot. (Ord. CS-164 § 10, 2011; Ord. NS-718 § 8, 2004)

A. Placement of buildings on any lot shall conform to the following:
   1. Interior Lots.
      a. No building shall occupy any portion of a required yard;
      b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on the same lot;
      c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet;
      d. All accessory structures shall comply with the following development standards:
         i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
         ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
         iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
         iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
         v. Buildings shall not exceed one story,
         vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
      e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;
      f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
      g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
         i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
         ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures; and

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

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

2. Corner Lots and Reversed Corner Lots.

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

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

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

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

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

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

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

iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

v. Buildings shall not exceed one story,

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

e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;

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

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

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

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

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

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

h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. NS-718 § 8, 2004)
21.12.070 Minimum lot area.
A. The minimum required area of a lot in the R-2 zone shall be not less than seven thousand five hundred square feet; except that when a lot is developed with a one-family dwelling, the minimum required lot area shall be not less than six thousand square feet, unless otherwise shown on the zoning map.
B. All legally existing R-2 zoned lots, as of December 1, 1986, may be developed with a two-family dwelling regardless of the density allowed by the underlying general plan designation if they can comply with all applicable development standards in effect at the time of their development, and if the findings to exceed the growth management control point density, as specified in Section 21.90.045, can be made. (Ord. NS-718 § 8, 2004)

21.12.080 Lot width.
A. In the R-2 zone, every lot created after the effective date of the ordinance codified in this title shall maintain a width at the rear line of the required front yard of not less than the following:
   1. Lots required to have a minimum lot area of less than ten thousand square feet, sixty feet;
   2. Lots required to have a minimum lot area between ten thousand square feet to, but not including twenty thousand square feet, seventy-five feet;
   3. Lots required to have an area of twenty thousand square feet or more, eighty feet. (Ord. NS-718 § 8, 2004)

21.12.090 Lot coverage.
All buildings, including accessory buildings and structures, shall not cover more than fifty percent of the area of a lot. (Ord. NS-718 § 8, 2004)
Chapter 21.16

R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE*

Sections:
- 21.16.010 Intent and purpose.
- 21.16.020 Permitted uses.
- 21.16.040 Front yard.
- 21.16.050 Side yards.
- 21.16.070 Minimum lot area.
- 21.16.080 Lot width.
- 21.16.090 Lot coverage.


21.16.010 Intent and purpose.
A. The intent and purpose of the R-3 multiple-family residential zone is to:
   1. Implement the residential medium-high density (RMH) and residential high density (RH) land use designations of the Carlsbad general plan; and
   2. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 9, 2004)

21.16.020 Permitted uses.
A. In the R-3 zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
### Table A
#### Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- "P" indicates the use is permitted. (See note 7 below)
- "CUP" indicates that the use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"Acc" indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
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</thead>
<tbody>
<tr>
<td>Accessory buildings/structures (ex. garages, workshops, tool sheds,</td>
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<td>patio covers, decks, etc.) (see notes 1 and 2, below) (defined:</td>
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<td>Agricultural crops</td>
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<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
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<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
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<td>Aquaculture (defined: Section 21.04.036)</td>
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<td>Bed and breakfasts (subject to Section 21.42.140(B)(5); defined:</td>
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<td>Cemeteries</td>
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<td>Churches, synagogues, temples, convents, monasteries, and other</td>
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<td>than 4 units are proposed; defined: Section 21.04.135)</td>
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<td>Farmworker housing complex, small (subject to Section 21.10.125;</td>
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<td>Greenhouses (2,000 square feet maximum)</td>
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<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>Residential care facilities (serving more than six persons) (subject</td>
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</table>
21.16.030

21.16.030 Building height.
In the R-3 zone no building shall exceed a height of thirty-five feet. (Ord. NS-718 § 9, 2004)

21.16.040 Front yard.
Every lot in the R-3 zone shall have a front yard of not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zoned property the depth of the required front yard need not exceed fifteen feet. (Ord. NS-718 § 9, 2004)

21.16.050 Side yards.
A. In the R-3 zone every lot shall have side yards as follows:
   1. Interior lots shall have a side yard on each side of the lot which side yard has a width not less than ten percent of the width of the lot; provided, that such side yard shall be not less than five feet in width and need not exceed ten feet; and
   2. Corner lots and reversed corner lots shall have the following side yards:
      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 the side street side the width of the required side yard shall be ten feet and said side yard shall extend the full length of the lot. (Ord. NS-718 § 9, 2004)

21.16.060 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

1. Interior Lots.
   a. No building shall occupy any portion of a required yard;
   b. Any building, any portion of which is used for human habitation shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on such lot;
   c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet;
   d. All accessory structures shall comply with the following development standards:
      i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
      ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
      iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
      iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
      v. Buildings shall not exceed one story,
      vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
   e. Second dwelling units constructed above detached garages, located within a lot’s buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;
   f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
   g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot’s required setback areas:
      i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
      ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
      iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures;
      iv. The additional development standards listed above (subsections (A)(1)(g)(i) through (iii) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot’s setback area; and
   h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015.

2. Corner Lots and Reversed Corner Lots.
21.16.070 Minimum lot area.
The minimum required area of a lot in the R-3 zone shall be not less than seven thousand five hundred square feet. (Ord. CS-102 § XXVIII, 2010; Ord. NS-718 § 9, 2004)

21.16.080 Lot width.
Every lot created after the effective date of the ordinance codified in this chapter shall maintain a width not less than sixty feet at the rear line of the required front yard. (Ord. CS-102 § XXIX, 2010; Ord. NS-718 § 9, 2004)
21.16.090  Lot coverage.
All buildings, including accessory buildings and structures, shall not cover more than sixty percent of the area of a lot. (Ord. NS-718 § 9, 2004)
Chapter 21.18

R-P RESIDENTIAL PROFESSIONAL ZONE*

Sections:

21.18.010 Intent and purpose.
21.18.020 Permitted uses.
21.18.030 Development standards.
21.18.040 Special conditions and standards.


21.18.010 Intent and purpose.
A. The intent and purpose of the R-P residential-professional zone is to:
   1. Implement the office and related commercial (O), residential medium-high density (RMH) and residential high density (RH) land use designations of the Carlsbad general plan;
   2. Provide areas for the development of certain low-intensity business and professional offices and related uses in locations in conjunction with or adjacent to residential areas;
   3. Provide transitional light traffic-generating commercial areas between established residential areas and nearby commercial or industrial development; and
   4. Provide regulations and standards for the development of office and residential uses and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 10, 2004)

21.18.020 Permitted uses.
A. In an R-P residential zone, notwithstanding any other provision of this title, only the uses listed in Tables A and B, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Tables A and B, shall be subject to the provisions of Chapter 21.42 of this title.
C. Uses similar to those listed in Tables A and B may be permitted if the city planner determines such similar use falls within the intent and purpose of this zone, and is substantially similar to a specified permitted use.
D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “offices” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in any zone, the use shall not be permitted in this R-P zone (even under a general use category), unless it is specifically listed in the zone as permitted or conditionally permitted.
### Table A

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

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- “P” indicates the use is permitted. (See note 2 below)
- “CUP” indicates that the use is permitted with approval of a conditional use permit. (See note 2 below)
- 1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
- 2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
- 3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
- “Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex. incidental storage facilities) (see note 1, below) (defined: Section 21.04.020)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Banks/financial services (no drive-thru)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.010(B)(30); defined: Section 21.04.048)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child day care center (subject to Chapter 21.83; defined: Section 21.04.086)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
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<td></td>
<td>2</td>
</tr>
<tr>
<td>Clubs — Nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Delicatessen (defined: Section 21.04.106)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Educational facilities, other (defined: Section 21.04.137)</td>
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<td>1</td>
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</tr>
<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical uses (excluding hospitals), including offices for medical practitioners, clinics, and incidental laboratories and pharmacies (prescription only)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Office uses, (may include incidental commercial uses such as blueprint services, photocopy services and news stands)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Packing/sorting sheds (600 square feet maximum)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Satellite TV antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Schools (business, vocational, and for such subjects as dance, drama, cosmetology, music, martial arts, etc.)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Services, provided directly to consumers, focusing on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Signs, subject to Chapter 21.41 (defined: Section 21.04.305)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Temporary bldg./trailer (construction) (subject to Section 21.53.110)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit passenger terminals (bus and train)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
<td></td>
<td></td>
<td>1 / 2</td>
</tr>
</tbody>
</table>
Notes:
1. Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.
2. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

Table B

Uses Permitted When the R-P Zone Implements the “RMH” or “RH”

General Plan Land Use Designations

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates the use is permitted.

“CUP” indicates that the use is permitted with approval of a conditional use permit.

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings/structures (ex. garages, workshops, tool sheds,</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>patio covers, decks, etc.) (see notes 1 and 2, below) (defined:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 21.04.020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural crops</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Bed and breakfasts (subject to Section 21.42.140(B)(25); defined:</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Section 21.04.046)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30);</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>defined: Section 21.04.048)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Child day care center (subject to Chapter 21.83; defined: Section</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>21.04.086)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>places of worship</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs — Nonprofit; business, civic, professional, etc. (defined:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 21.04.090)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, one-family (see note 3, below) (defined: Section 21.04.125)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, two-family (see note 4, below) (defined: Section 21.04.130)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Dwelling, multiple-family (subject to Section 21.53.120 if more</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>than 4 units are proposed; defined: Section 21.04.135)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Educational institutions or schools, public/private (defined:</td>
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<td></td>
<td>2</td>
</tr>
<tr>
<td>Section 21.04.140)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Family day care home (large) (subject to Chapter 21.83; defined:</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Section 21.04.147)</td>
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<tr>
<td>Family day care home (small) (subject to Chapter 21.83; defined:</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>Section 21.04.148)</td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125;</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>defined: Section 21.04.148.4)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70)</td>
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<td></td>
</tr>
<tr>
<td>Home occupation (subject to Section 21.10.040)</td>
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<td>X</td>
</tr>
<tr>
<td>Housing for senior citizens (subject to Chapter 21.84)</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined:</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Section 21.04.265)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile home (see notes 3 and 5, below) (defined: Section 21.04.266)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds (600 square feet maximum)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
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</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional care facilities (defined: Section 21.04.295)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td>2</td>
<td></td>
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<tr>
<td>Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Residential care facilities (serving more than six persons) (subject to Section 21.42.140(B)(125); defined: Section 21.04.300)</td>
<td>2</td>
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<td></td>
</tr>
<tr>
<td>Satellite TV antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second dwelling unit (accessory to a one-family dwelling only) (subject to Section 21.10.030; defined: Section 21.04.303)</td>
<td>X</td>
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<tr>
<td>Signs (subject to Chapter 21.41; defined: Section 21.04.305)</td>
<td>X</td>
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<td></td>
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<tr>
<td>Supportive housing (defined: Section 21.04.355.1)</td>
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<tr>
<td>Temporary bldg./trailer (real estate or construction), (subject to Sections 21.53.090 and 21.53.110)</td>
<td>X</td>
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<tr>
<td>Time-share projects (subject to Section 21.42.140(B)(155); defined: Section 21.04.357)</td>
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<tr>
<td>Transitional housing (defined: Section 21.04.362)</td>
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<tr>
<td>Transit passenger terminals (bus and train)</td>
<td>2</td>
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<td></td>
</tr>
<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
<td>1/2</td>
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<td></td>
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<tr>
<td>Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Notes:

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


### 21.18.030 Development standards.

**A.** Subject to the general development standards of Chapters 21.41 and 21.44, no lot shall be created or structure constructed in the R-P zone that does not conform to the following specific standards:

1. **Lot Area Minimum.** In the R-P zone the minimum area of all lots hereafter created shall be seven thousand five hundred square feet.

2. **Lot Width Minimum.** Every lot hereafter created in the R-P zone shall maintain a minimum lot width at the rear line of the required front yard on the basis of the following:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Required Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10,000 sq. ft.</td>
<td>60 feet</td>
</tr>
<tr>
<td>Less than 20,000 sq. ft.</td>
<td>75 feet</td>
</tr>
<tr>
<td>More than 20,000 sq. ft.</td>
<td>80 feet</td>
</tr>
</tbody>
</table>
3. Front Yard. Every lot in the R-P zone shall have a front yard of not less than twenty feet in depth, except key lots which side upon commercially or industrially-zoned property shall maintain a front yard of not less than fifteen feet.

4. Side Yard. In the R-P zone every lot shall have side yards as follows:
   a. Interior lots shall have side yards that have width equal to ten percent of the lot width, provided that such side yard shall not be less than five feet in width and need not exceed ten feet in width; and
   b. Corner lots shall have a side yard on the side lot line adjacent to another lot of a width within the limitations for an interior lot above and a side yard adjacent to the street of ten feet.

5. Rear Yard. In the R-P zone every lot shall have a rear yard of a depth equal to twenty percent of the lot width, provided that such rear yard need not exceed twenty feet.

6. Separation of Buildings. In addition to the required yards, buildings shall be set as follows:
   a. Minimum distance between habitable buildings, ten feet; and
   b. Minimum distance between habitable buildings and accessory structures, ten feet.

7. All accessory structures shall comply with the following development standards:
   a. The lot coverage shall include accessory structures in the lot coverage calculations for the lot;
   b. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet;
   c. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department;
   d. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure;
   e. Buildings shall not exceed one story; and
   f. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided.

8. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

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

10. Detached accessory structures, which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
   a. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet;
   b. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet;
   c. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures; and
   d. The additional development standards listed above (subsections A.10.a. through c. of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area.
11. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015.

12. Except for an accessory structure which is not a dwelling unit and contains no habitable space and complies with the development standards specified in this chapter, no building shall be located in any of the required yards.

13. Height Limits. In the R-P zone the maximum building height shall be thirty-five feet.

14. Lot Coverage. In the R-P zone all buildings shall not cover more than sixty percent of the total lot area.

15. Parking Off-Street. Parking shall not be provided in the required front or side yards. (Ord. NS-718 § 10, 2004)

21.18.040 Special conditions and standards.

A. In addition to the established development standards, when applicable the following conditions shall be met:

1. Outside Display and Storage. No outdoor display of products or storage shall be permitted.

2. Residential Structure Conversion. All existing residential structures converted to commercial purposes shall be brought into conformance with all the requirements of this title and Title 18 of this code.

3. Walls. Any lot proposed for nonresidential development which adjoins a lot located in a residential zone district shall have a solid masonry wall of six feet in height installed along the common lot line, except in the front yard area where the wall shall be reduced to forty-two inches in height.

4. Enclosure of Activities. All nonresidential uses shall be located in a completely enclosed building. (Ord. NS-718 § 10, 2004)
Chapter 21.20

R-T RESIDENTIAL TOURIST ZONE

Sections:
21.20.010 Permitted uses.
21.20.030 Building height.
21.20.040 Front yard.
21.20.050 Side yards.
21.20.060 Use of setback areas.
21.20.070 Rear yard.
21.20.080 Accessory structures.
21.20.090 Minimum lot area.
21.20.100 Lot width.
21.20.110 Lot coverage.

21.20.010 Permitted uses.
A. In an R-T zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

Table A
Permitted Uses
In the table, below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates the use is permitted. (See note 2 below)
“CUP” indicates that the use is permitted with approval of a conditional use permit. (See note 2 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (subject to Section 21.20.080 of this chapter)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Accessory buildings and structures, including private garages to accommodate not more than two cars per dwelling unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Aquariums</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Athletic clubs, gymnasiums, and health clubs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bait shop (accessory to rec. facility)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Bathhouses</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Beds and breakfasts (subject to Section 21.42.140(B)(25); defined: Section 21.04.046)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
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<td></td>
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</tr>
</tbody>
</table>

800
<table>
<thead>
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<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding house (defined: Section 21.04.055)</td>
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<td>2</td>
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</tr>
<tr>
<td>Boat launching/docking facility</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Boat part shop (accessory to rec. facility)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Boat repair (accessory to rec. facility)</td>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>Boat rides</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Clubs—Nonprofit; business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Commercial use (accessory to rec. facility)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Country clubs</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers (subject to Section 21.20.080 of this chapter)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dwellings</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Fraternal associations and lodges (except college fraternities/sororities)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Fraternities and sororities</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Games of skill</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Golf courses</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Habitable detached accessory structures (subject to Section 21.20.080 of this chapter)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hotels and motels (subject to Section 21.42.140(B)(80))</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Hotels and motels (subject to Section 21.42.140(B)(80)) (applicable only to properties located outside of the coastal zone)</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Large family day care homes, subject to the provisions of Chapter 21.83 of this title</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lodging house (defined: Section 21.04.205)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Parks (private)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Playgrounds/playfields</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Public meeting halls, exhibit halls, and museums</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.279)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Recreation facilities</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Refreshment facilities</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Satellite television antennae subject to the provisions of Section 21.53.130 of this code</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Second dwelling units are permitted according to the provisions of Section 21.10.030 of this title on lots, which are developed with detached single-family residences. The development standards of this zone shall apply.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Signs (see note 1, below)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Small family day care homes</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sporting clubs</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Sporting goods shops (acc. to rec. facilities)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Supportive housing (defined: Section 21.04.355.1)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Use | P | CUP | Acc
---|---|---|---
Time-share projects (subject to Section 21.42.140(B)(155); defined: Section 21.04.357) | | | 3
Transitional housing (defined: Section 21.04.362) | | | X
Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.279) | 1 / 2 | | 
Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400) | | | 2

Notes:
1. Signs. (A) Nameplates not exceeding two square feet in area containing the name of the occupant of the premises, (B) One lighted sign not exceeding twenty square feet in area identifying permitted uses, provided such sign is stationary and nonflashing, is placed on the wall of the building, does not extend above or out from the front wall, and contains no advertising matter except the name and street address of the building upon which it is placed, (C) One unlighted sign not exceeding twelve square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed, or to identify public parking lots as permitted in this zone, (D) Location of the above signs shall not be closer to the front property line than midway between the front property line and the front setback line, and under no conditions closer than seven and one-half feet from the front property line; except that on key lots and lots which side upon commercially or industrially zoned property, the sign may be placed not closer than five feet to the property line.
2. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

(Ord. CS-249 § IX, 2014; Ord. CS-225 § I, 2013; Ord. CS-224 §§ XV, XVI, 2013; Ord. CS-191 § XI, 2012; Ord. CS-189 § XIX, 2012; Ord. CS-102 §§ XXII, XXXIII, 2010; Ord. NS-791 § 15, 2006; Ord. NS-409 § 8, 1997; Ord. 9804 § 6, 1986; Ord. 9800 § 4, 1986; Ord. 9785 § 10, 1986; Ord. 9188 § 1; Ord. 9171 § 1; Ord. 9146 § 1; Ord. 9135 § 1; Ord. 9060 § 900)

21.20.030 Building height.
No building in the R-T zone shall exceed a height of thirty-five feet. (Ord. NS-180 § 14, 1991; Ord. 9188 § 1; Ord. 9060 § 902)

21.20.040 Front yard.
There shall be a front yard of not less than twenty feet in depth. (Ord. 9188 § 1; Ord. 9060 § 903)

21.20.050 Side yards.
In the R-T zone every lot shall have side yards as follows:
(1) Interior lots shall have a side yard of not less than ten feet in width on one side of the lot and not less than five feet in width on the other side;
(2) Corner lots and reversed corner lots shall have the following side yards:
   (A) On the side lot line which adjoins another lot, the side yard shall be not less than five feet in width,
   (B) On the side street side the width of the required side yard shall be ten feet in width and said side yard shall extend the full length of the lot;
   (C) Garages or carports with vehicular egress opening toward a side street shall be located with a minimum of twenty feet between the garage or carport and the side street property line. (Ord. 9188 § 1; Ord. 9060 § 904)

21.20.060 Use of setback areas.
A required front or side yard shall not be used for vehicle parking except such portion as is devoted to driveway use. No automobile trailer, camper or boat may be stored or parked in a required front or side yard for any period exceeding seventy-two hours. (Ord. 9188 § 1; Ord. 9060 § 905)

802
21.20.070 Rear yard.
There shall be a rear yard of not less than twenty feet in depth. (Ord. 9188 § 1; Ord. 9060 § 906)

21.20.080 Accessory structures.
(1) All accessory structures shall comply with the following development standards:
   (A) The lot coverage shall include accessory structures in the lot coverage calculations for the lot.
   (B) The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet.
   (C) When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department.
   (D) Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure.
   (E) Buildings shall not exceed one story.
   (F) Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided.
   (G) Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

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

(3) Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
   (A) The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet.
   (B) The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet.
   (C) The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures.
   (D) The additional development standards listed above (subsections (3)(A) through (C) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area.

(4) The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. NS-718 § 12, 2004; Ord. NS-355 § 12, 1996; Ord. NS-243 § 17, 1993; Ord. 9188 § 1; Ord. 9060 § 907)

21.20.090 Minimum lot area.
(a) The minimum lot area shall be not less than seven thousand five hundred square feet except when an application for site plan review has been approved.

(b) Lot sizes larger than the required area: A number following the zoning symbol shall mean the minimum lot size in square feet. (Ord. 9336 § 7, 1972; Ord. 9188 § 1; Ord. 9060 § 908)

21.20.100 Lot width.
Every lot created after the effective date of the ordinance amendment codified in this section shall maintain a width of not less than the following:
21.20.110

(1) Lots with a minimum area of nine thousand nine hundred ninety-nine square feet or less shall have a width of not less than sixty feet except when an application for site plan review has been approved;

(2) Lots which have a minimum lot area of ten thousand square feet or more shall maintain a width of not less than seventy-five feet. (Ord. NS-675 § 29, 2003; Ord. 9188 § 1; Ord. 9060 § 910)

21.20.110 Lot coverage.
All buildings, including accessory buildings and structures, shall not cover more than seventy-five percent of the area of the lot, except when an application for site plan review has been approved. (Ord. NS-675 § 29, 2003; Ord. 9188 § 1; Ord. 9060 § 911)
Chapter 21.21

H-O HOSPITAL OVERLAY ZONE

Sections:
21.21.010 Intent and purpose.
21.21.050 Site development plan.
21.21.060 Lot area.
21.21.100 Setbacks—Structures over thirty-five feet in height.
21.21.120 Building coverage.
21.21.130 Signs.
21.21.150 Walls and fences.
21.21.190 Loading areas.

21.21.010 Intent and purpose.
The intent and purpose of the hospital overlay (H-O) zone is to:
(1) Provide for the development of hospital facilities to meet the community’s major medical needs;
(2) Provide a method whereby hospitals may be developed in existing zones;
(3) Promote comprehensive planning of a major hospital in conjunction with supporting facilities;
(4) Ensure the compatibility of a hospital with surrounding future and existing land use;
(5) Provide the city with a procedure to analyze fiscal and environmental impacts caused by a hospital and its supporting facilities. (Ord. 9743 § 1, 1984)

Hospitals shall be located only on property which has hospital overlay zoning. (Ord. 9743 § 1, 1984)

The H-O zone may be applied to property in any zone except the CT, R-T, R-W, O-S and RMHP zones. The H-O zone may not be applied to an area less than twenty-five acres in size. In addition to the required application for a zone change, application for the H-O zone shall also include a traffic study analyzing possible impacts on surrounding streets and intersections, and an economic impact analysis describing the positive and negative fiscal impacts of a hospital and any supporting facility on the city. (Ord. 9743 § 1, 1984)

Before application of the H-O zone to any property the following conditions must exist:
There is a need in the community for a hospital at the proposed location;
(2) The proposed zone will be compatible with surrounding zoning and land use;
(3) Development of a hospital at the proposed location will not be detrimental to public safety and welfare;
(4) The proposed site is suitable in size and location for a major hospital facility;
(5) The circulation system is adequate to serve a major hospital facility;
(6) The proposed hospital will not create any significant impacts on the environment;
(7) Development of the hospital will not cause adverse economic impacts on the city which cannot be mitigated to an acceptable level or for which the council cannot find that the need for the hospital overrides the negative economic impact;
(8) The proposed hospital has met all the criteria for hospitals under Division 1, Part 1.5 of the California Health and Safety Code;
(9) A site development plan is submitted under this chapter concurrently with the application for the zone change. (Ord. 9743 § 1, 1984)

Subject to the approval of a site development plan processed pursuant to this chapter the following uses are permitted in the H-O zone:
(1) Hospital (as defined in Section 21.04.170 of this code);
(2) Accessory uses and structures where related to the hospital, including but not limited to the following:
   (A) Laboratories,
   (B) Medical offices,
   (C) Pharmacies,
   (D) Health services such as senior citizens nutrition centers, physical therapy facilities and medical clinics,
   (E) Trauma facilities, including but not limited to overnight residential facilities for trauma staff, helicopter pads,
   (F) Skilled nurse facilities,
   (G) Residential care facilities,
   (H) Alcohol and drug care facilities,
   (I) Restaurants within a hospital,
   (J) Medical research facilities,
   (K) Other similar uses normally associated with a hospital or medical offices;
(3) Child day care centers, subject to the provisions of Chapter 21.83 of this title. (Ord. NS-409 § 9, 1997; Ord. 9743 § 1, 1984)

21.21.050 Site development plan.
(a) Approval of a site development plan, processed according to the provisions of Chapter 21.06 (Q-overlay) shall be required for any development in the H-O zone except that for review of a hospital the planning commission shall act in an advisory capacity to the city council. After review by the planning commission, the site development plan for the hospital shall be submitted to the city council for approval. The site plan shall be processed for review by the city council in the same manner as the plan is processed for planning commission review. After construction of the hospital, site plans for the development of accessory uses permitted in this zone shall be reviewed by the planning commission with
appeal to the city council. A hospital and accessory uses proposed as one development may be ap-proved by a single site plan which would be processed in the same manner as a hospital alone.

(b) The site development plan shall include any conditions necessary to ensure compliance with the provi-sions of Section 21.21.030. Such conditions may include, but shall not be limited to, requirements for street and public facility improvements on and off the site, requirements for mitigation of adverse eco-nomic impacts, including but not limited to the payment of fees to provide public facilities, and require-ments for mitigation of adverse environmental impacts. (Ord. 9743 § 1, 1984)

21.21.060 Lot area.
The minimum lot size for newly created lots within this zone shall be twenty-five thousand square feet. (Ord. 9743 § 1, 1984)

Every newly created lot shall have a width of not less than one hundred feet at the rear line of the required front yard. (Ord. 9743 § 1, 1984)

The maximum height of structures within the H-O zone shall not exceed thirty-five feet. Additional building height may be permitted by a site development plan approved by the city council. (Ord. 9743 § 1, 1984)

Every lot shall provide required yards, measured from the property line as follows:

<table>
<thead>
<tr>
<th></th>
<th>Driveways/Parking</th>
<th>1 Story Building</th>
<th>2—3 Stories up to 35'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>10</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Front yard on an arterial</td>
<td>20</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td>Front yard on a prime arterial</td>
<td>30</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Street side yard</td>
<td>10</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Side yard on an arterial</td>
<td>15</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Side yard on a prime arterial</td>
<td>30</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Interior side yard</td>
<td>5</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear yard</td>
<td>5</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

Through lots shall be considered to have two front yards and shall observe setbacks accordingly. (Ord. 9743 § 1, 1984)

21.21.100 Setbacks—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. For any other structure, which has been approved for increased height by site development plan, all required yards shall be increased at a ratio of 0.5 additional feet horizontally, for every 1.5 feet of additional vertical construction. (Ord. 9743 § 1, 1984)

All landscaping shall comply with the city landscape guidelines manual. All landscaped areas shall be served by a permanent irrigation system including bubblers or sprinklers. Prior to approval of a building per-mit, each applicant shall submit a landscape and irrigation plan for the approval of the city planner. All approved improvements shall be installed prior to occupancy of the building.

(1) Required Yards. All setback areas shall be planted with plant species consistent with the city landscape guidelines manual. Variations in ground plane by use of undulating mounding is encouraged to
screen parking areas and to enhance the landscaping and building architecture. Landscaping along arterials should comply with the city’s streetscaping program.

(2) Parking Areas. A minimum of ten percent of that portion of the site devoted to uncovered parking shall be landscaped. Landscaping shall be designed so as to offer relief from the monotony of rows of parked cars, and to create an overhead canopy. A minimum of one fifteen gallon tree per five parking stalls shall be required in the parking area. All exposed parking areas shall be screened with landscaping, contouring and mounding. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9743 § 1, 1984)

21.21.120 Building coverage.
(a) For developments which utilize surface parking, all structures shall not cover more than fifty percent of the lot on which they are located.
(b) For developments which include a parking structure or parking is located within or under the building it serves, the total coverage of all structures shall not exceed seventy-five percent of the lot. This provision shall apply only if seventy-five percent of the required parking is located in the parking structure or within or under the building it serves. (Ord. 9743 § 1, 1984)

21.21.130 Signs.
A detailed sign program shall be submitted to the city planner for approval prior to occupancy of any new building or installation of any new signs. All signs proposed in the H-O zone shall comply with the provisions of Chapter 21.41 and the following regulations:

(1) Total Permitted Sign Area. Total maximum allowable area of all signs, including monument signs, shall not exceed one square foot per lineal foot of building frontage.

(2) Monument Signs. One freestanding monument sign may be permitted for each lot. Said monument sign shall be no greater than six feet in height or six feet in length, (including the base) with a maximum of two sign faces. Comprehensively planned developments of a hospital and accessory uses may be permitted additional monument signs, above the allowable area, through the site development plan process. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9743 § 1, 1984)

A. Parking shall be provided subject to the provisions of Chapter 21.44 of this title.
B. Additional parking may be required as part of the site development plan. (Ord. CS-102 § XXXIV, 2010; Ord. 9804 § 3, 1986; Ord. 9743 § 1, 1984)

21.21.150 Walls and fences.
A solid masonry or stucco wall, six feet in height, shall be constructed along the common lot line with any residentially zoned property, except in the front yard where the wall shall be reduced to forty-two inches in height. Walls and fences up to a height of six feet are permitted except that no wall or fence shall be erected in any front yard setback in excess of forty-two inches and that all walls and fences shall observe a minimum setback of ten feet from the property line for a side yard on a street. Chain link, barbed wire, razor ribbon or other similar fences are specifically not permitted. (Ord. 9743 § 1, 1984)

(a) Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits.
(b) Light sources shall be designed to avoid direct or indirect glare to any off-site properties or public right-of-ways. (Ord. 9743 § 1, 1984)
21.21.170  **Roof—Appurtenances.**
All roof appurtenances, including air conditioners, shall be architecturally integrated and shielded from view and the sound buffered from adjacent properties and streets, to the satisfaction of the city planner. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9743 § 1, 1984)

21.21.180  **Trash enclosures.**
Trash receptacle areas shall be enclosed by a six-foot-high masonry wall with gates pursuant to city standards. (Ord. 9743 § 1, 1984)

21.21.190  **Loading areas.**
All loading areas shall be oriented and/or screened so as to be unobtrusive from the adjacent streets or properties. (Ord. 9743 § 1, 1984)

21.21.200  **Expiration.**
If construction of the hospital has not commenced within two years from the approval of the hospital overlay zone and site development plan on a specific area, the H-O zone and site plan shall expire and the property will return to its underlying zoning. (Ord. 9743 § 1, 1984)
Chapter 21.22

R-W RESIDENTIAL WATERWAY ZONE*

Sections:
21.22.010 Intent and purpose.
21.22.020 Permitted uses.
21.22.030 Building height.
21.22.040 Front yard.
21.22.050 Side yard.
21.22.060 Rear yard.
21.22.070 Accessory structures.
21.22.080 Minimum lot area.
21.22.090 Lot width.
21.22.100 Lot coverage.
21.22.110 Waterway access.


21.22.010 Intent and purpose.
A. The intent and purpose of the R-W residential waterway zone is to:
   1. Implement the residential high density (RH) land use designation of the Carlsbad general plan;
   2. Provide an area in which residential development centered about a navigable waterway may be accommodated; and
   3. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 13, 2004)

21.22.020 Permitted uses.
A. In an R-W zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates use is permitted. (See note 7 below)

“CUP” indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings/structures (e.g., garages, workshops, tool sheds, patio covers, decks, etc.) (see notes 1 and 2 below) (defined: Section 21.04.020)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Boat launching/docking facilities (see note 3 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Dwelling, one-family (see note 4 below) (defined: Section 21.04.125)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, two-family (defined: Section 21.04.130)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, multiple-family (subject to Section 21.53.120 if more than 4 units are proposed; defined: Section 21.04.135)</td>
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<td></td>
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<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<td></td>
</tr>
<tr>
<td>Family day care home (large), subject to Chapter 21.83 (defined: Section 21.04.147)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Family day care home (small) (subject to Chapter 21.83; defined: Section 21.04.148)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<td></td>
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<tr>
<td>Golf courses (see note 5 below)</td>
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<tr>
<td>Home occupation (subject to Section 21.10.040)</td>
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<tr>
<td>Housing for senior citizens (subject to Chapter 21.84)</td>
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<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<td>Mobile home (see notes 4 and 6 below) (defined: Section 21.04.266)</td>
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<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
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<tr>
<td>Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite TV antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second dwelling unit (accessory to a one-family dwelling only) (subject to Section 21.10.030; defined: Section 21.04.303)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
21.22.030  Building height.
No building in the R-W zone shall exceed a height of thirty-five feet. (Ord. NS-718 § 13, 2004)

21.22.040  Front yard.
Every lot shall have a front yard of not less than ten feet in depth. (Ord. NS-718 § 13, 2004)

21.22.050  Side yard.
A. Every lot shall have side yards as follows:
   1. Interior lots shall have a side yard on each side of the lot of not less than four feet in width;
   2. Corner lots and reversed corner lots shall have the following side yards:
      a. On the side lot line which adjoins another lot, the side yard shall be the same as that re-
         quired on an interior lot, and
      b. On the side street side the width of the required side yard shall be eight feet. (Ord. NS-718
         § 13, 2004)

21.22.060  Rear yard.
There shall be a rear yard of not less than eight feet in depth. (Ord. NS-718 § 13, 2004)

21.22.070  Accessory structures.
A. All accessory structures shall comply with the following development standards:
   1. The lot coverage shall include accessory structures in the lot coverage calculations for the lot;

2. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet;
3. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department;
4. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure;
5. Buildings shall not exceed one story;
6. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided; and
7. Second dwelling units constructed above detached garages, located within a lot’s buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

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

C. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot’s required setback areas:
1. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet;
2. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet;
3. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures; and
4. The additional development standards listed above (subsections C.1. through 3. of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot’s setback area.

D. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. NS-718 § 13, 2004)

21.22.080 Minimum lot area.
The minimum required area of a lot in the R-W zone shall not be less than five thousand square feet. (Ord. NS-718 § 13, 2004)

21.22.090 Lot width.
Every lot shall have a width of not less than forty feet at the rear line of the required front yard. (Ord. NS-718 § 13, 2004)

21.22.100 Lot coverage.
All buildings, including accessory buildings and structures, shall not cover more than seventy-five percent of the area of the lot. (Ord. NS-718 § 13, 2004)

21.22.110 Waterway access.
A. Not less than seventy percent in number of the R-W zoned lots in any subdivision in an R-W zone shall have direct access to a navigable waterway.
B. For each twenty lots or portion thereof without direct access to a navigable waterway, there shall be provided a boat launching facility within the subdivision on an R-W zoned lot which does have direct access to a navigable waterway. The area of such lot not utilized for the boat launching facility shall be improved for parking and shall conform to the requirements of Sections 21.44.080 and 21.44.100.

C. “Direct access” for the purpose of this section means that at least twenty feet or one-half, whichever is the longer, of a side or rear lot line shall border upon such navigable waterway.

D. “Navigable waterway” for the purpose of this section means an ocean inlet or lagoon, or other arm of the sea, actually usable for boating; and any channel actually usable for boating and docking facilities connecting with an ocean inlet or lagoon or other arm of the sea. (Ord. NS-718 § 13, 2004)
Chapter 21.24

RD-M RESIDENTIAL DENSITY-MULTIPLE ZONE*

Sections:
21.24.010 Intent and purpose.
21.24.040 Front yard.
21.24.060 Setbacks—Subterranean parking.
21.24.070 Rear yard.
21.24.080 Yards—Structures over thirty-five feet in height.
21.24.090 Accessory structures.
21.24.100 Lot area.
21.24.110 Lot coverage.
21.24.120 Lot width.
21.24.130 Improvements required.
21.24.140 Special conditions for certain lots.


21.24.010 Intent and purpose.
A. The intent and purpose of the RD-M residential density-multiple zone is to:
   1. Implement the residential medium density (RM), residential medium-high density (RMH) and residential high density (RH) land use designations of the Carlsbad general plan; and
   2. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 14, 2004)

A. In the RD-M zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. Uses similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purpose of this zone, and is substantially similar to a specified permitted use.
Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates use is permitted. (See note 6 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 6 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see note 1 below) (defined: Section 21.04.020)</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
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<tr>
<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
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<td>X</td>
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<td>Aquaculture (defined: Section 21.04.036)</td>
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<tr>
<td>Bed and breakfasts (subject to Section 21.42.140(B)(25); defined: Section 21.04.046)</td>
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<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
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<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
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<tr>
<td>Cemeteries</td>
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<tr>
<td>Child day care center (subject to Chapter 21.83; defined: Section 21.04.086)</td>
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<td>Churches, synagogues, temples, convents, monasteries and other places of worship</td>
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<td>Dwelling, one-family (see notes 2 and 3 below) (defined: Section 21.04.125)</td>
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<td>Dwelling, two-family (defined: Section 21.04.130)</td>
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<td>Dwelling, multiple-family (subject to Section 21.53.120 if more than 4 units are proposed; defined: Section 21.04.135)</td>
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<td>Family day care home (large) (subject to Chapter 21.83; defined: Section 21.04.147)</td>
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<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>1</td>
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<tr>
<td>Golf courses (see note 4 below)</td>
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<tr>
<td>Home occupation (subject to Section 21.10.040)</td>
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<td>Housing for senior citizens (subject to Chapter 21.84)</td>
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<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<td>Mobile home (see notes 2, 3 and 5 below) (defined: Section 21.04.266)</td>
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<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>Professional care facilities (defined: Section 21.04.295)</td>
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<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
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<td>Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)</td>
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<td>Residential care facilities (serving more than six persons) (subject to Section 21.04.300)</td>
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<td>Use</td>
<td>P</td>
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<td>Satellite TV antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
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<td>Second dwelling unit (accessory to a one-family dwelling only) (subject to Section 21.10.030; defined: Section 21.04.303)</td>
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<td>Signs, subject to Chapter 21.41 (defined: Section 21.04.305)</td>
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<td>Supportive housing (defined: Section 21.04.355.1)</td>
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<td>Temporary bldg./trailer (real estate or construction) (subject to Sections 21.53.090 and 21.53.110)</td>
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<td>Time-share projects (subject to Section 21.42.140(B)(155); defined: Section 21.04.357)</td>
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<td>Transitional housing (defined: Section 21.04.362)</td>
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<td>Zoos (private) (subject to Section 21.41.140(B)(170); defined: Section 21.04.4000)</td>
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</tbody>
</table>

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


No building shall exceed a height of thirty-five feet. (Ord. NS-718 § 14, 2004)

21.24.040 Front yard.
A. There shall be a front yard of not less than twenty feet in depth with exceptions as follows:
   1. Fifteen feet shall be permitted providing carport or garage openings do not face onto the front yard; and
   2. Ten feet shall be permitted providing carport or garage openings do not face onto the front yard, and that the remaining front yard is landscaped with a combination of flowers, shrubs, trees and irrigated with a sprinkler system. Landscape plans and irrigation system plans shall be approved by the city planner prior to issuance of a building permit for a proposed structure. (Ord. CS-164 § 10, 2011; Ord. NS-718 § 14, 2004)

A. Every lot shall have 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;
21.24.060
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, with exception that: the required ten-foot side yard abutting a street may be reduced to five feet, providing parking spaces do not open directly onto the street and, that the side yard is landscaped and maintained as prescribed in Section 21.24.040;

3. A zero foot side yard setback shall be permitted to one interior side yard, provided:

a. That the owners of both lots common to the proposed zero foot side yard are in agreement;

b. That the remaining side yard shall be not less than twenty-five percent of the total lot width measured at the front setback line;

c. That the building permit application and other permit applications required by this code (if any) for the project shall include a site plan that shows the proposed building location, parking, and side yard setback for both lots common with the proposed zero foot side yard, to the satisfaction of the city planner; and

d. That an easement or other recorded agreement for maintenance purposes be granted to provide access to the adjoining lot when there is no side yard. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XLI, 2010; Ord. NS-718 § 14, 2004)

21.24.060 Setbacks—Subterranean parking.
Zero foot setback for subterranean parking shall be permitted provided the required setbacks for the dwelling structure are landscaped and maintained as prescribed in Section 21.24.040. (Ord. NS-718 § 14, 2004)

21.24.070 Rear yard.
There shall be a rear yard of not less than ten feet in depth. (Ord. NS-718 § 14, 2004)

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. 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)

21.24.090 Accessory structures.
A. All accessory structures shall comply with the following development standards:

1. The lot coverage shall include accessory structures in the lot coverage calculations for the lot;

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

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

4. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure;

5. Buildings shall not exceed one story; and

6. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided.
B. Second dwelling units constructed above detached garages, located within a lot’s buildable area, pursuant to Section 21.10.030(E)(4) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

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

D. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
   1. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet;
   2. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet;
   3. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures; and
   4. The additional development standards listed above (subsections D.1. through 3. of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot’s setback area.

E. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. NS-718 § 14, 2004)

21.24.100 Lot area.
A. The minimum required area of a lot in the RD-M zone, when the zone implements the RM land use designation, shall be as follows:
   1. For one-family dwellings: a lot area not less than six thousand square feet; and
   2. For two-family and multiple dwellings: a lot area not less than ten thousand square feet, except that the joining of two smaller lots shall be permitted although their total area does not equal the required lot area.

B. The minimum lot area of a lot in the RD-M zone, when the zone implements the RMH or RH 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)

21.24.110 Lot coverage.
All buildings, including accessory buildings and structures, shall cover no more of the lot than sixty percent. (Ord. NS-718 § 14, 2004)

21.24.120 Lot width.
Every lot shall have a width of not less than sixty feet at the rear line of the required front yard. (Ord. NS-718 § 14, 2004)

21.24.130 Improvements required.
A. Prior to an occupancy permit being issued by the community and economic development director for any new units constructed in the RD-M zone, it shall be necessary for the developer to upgrade or install those public improvements deemed necessary for public convenience and necessity.

B. Improvements as may be required by the city engineer shall be constructed to city standards and specifications.
C. In such case where there are not adjacent improvements or official street grade has not been established, the city engineer may recommend to the city council that a future street improvement agreement be entered into. (Ord. CS-164 § 14, 2011; Ord. NS-718 § 14, 2004)

21.24.140 Special conditions for certain lots.
A. In approving a site development plan, planned development permit, tentative map or other discretionary permit, for a property located in the RD-M zone and adjacent to an R-1 zone, the planning commission or city council may impose special conditions or requirements that include but are not limited to provisions for the following:

1. Special setbacks, yards, open space;
2. Special height and bulk of building regulations;
3. Additional landscaping;
4. Signs, fences and walls;
5. Special grading restrictions;
6. Regulation of point of ingress and egress;
7. Compatibility with surrounding properties and land uses; and
8. Such other conditions as deemed necessary to ensure conformity with the general plan and other adopted policies, goals or objectives of the city. (Ord. NS-718 § 14, 2004)
Chapter 21.25

COMMUNITY FACILITIES ZONE

Sections:
21.25.010 Intent and purpose.
21.25.020 Applicability.
21.25.030 Time period of reservation.
21.25.040 Permitted uses.
21.25.060 Limitations on permitted uses.
21.25.070 Minimum requirements for community facilities area.
21.25.080 Building height.
21.25.090 Yards.
21.25.100 Location and design standards.
21.25.110 Required notification.
21.25.120 Severability.

21.25.010 Intent and purpose.
The intent and purpose of the C-F, community facilities, zone is:

(1) To ensure that all master plans and residential specific plans (i.e., specific plans which include residential units) reserve community facilities sites of adequate size for uses which benefit the community as a whole by satisfying social/religious/institutional/human service needs;

(2) To identify those uses which can be utilized to satisfy the community facilities uses requirements in master plans pursuant to Chapter 21.38 of this code and residential specific plans; and

(3) To establish development standards for community facilities uses in master plans and residential specific plans. (Ord. CS-224 § XX, 2013; Ord. NS-579 § 1, 2001)

21.25.020 Applicability.
This chapter applies as follows:

(1) This chapter applies to those properties developed through a new master plan pursuant to Chapter 21.38 of this code approved after the effective date of the ordinance codified in this chapter.

(2) This chapter applies to those properties developed through a new residential specific plan (a specific plan which includes residential units) of at least one hundred gross acres approved after the effective date of the ordinance codified in this chapter.

(3) This chapter applies to any master plan or residential specific plan approved prior to the effective date of the ordinance codified in this chapter for which an application for amendment involving at least one hundred gross acres of undeveloped land is made by the property owner.

(4) Master plans and residential specific plans approved prior to the effective date of the ordinance codified in this chapter and not described in subsection (3) of this section may satisfy their community facilities requirements (if any) as required by those approved master plans or specific plans. (Ord. NS-579 § 1, 2001)

21.25.030 Time period of reservation.
As part of the master plan or residential specific plan application, the developer shall designate a portion(s) of the site for community facilities uses. The community facilities designation shall be for a minimum time period of ten years. The ten-year time period shall commence when final inspections have been approved for one hundred percent of the units in the first residential planning area in the master plan or specific plan. There shall be no automatic reversion of the community facilities site to other uses. If, at the end of the ten-
year reservation period, community facilities have not developed in the community facilities designated area, then the developer may make an application for a major master plan amendment to eliminate the community facilities site(s) or to designate a different site(s) of the master plan or residential specific plan for such uses. If the developer proposes to eliminate the community facilities area, he or she shall demonstrate why it is infeasible that the designated area will ever develop with community facilities uses. If the developer proposes to designate a different site(s) for the community facilities uses, he or she shall demonstrate why the proposed alternative location is better than the originally designated location. If an alternative location(s) is proposed, the total amount of acreage for the community facilities uses shall not be reduced from the originally designated acreage. (Ord. NS-579 § 1, 2001)

21.25.040 Permitted uses.
A. In a C-F zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-F community facilities zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A

<table>
<thead>
<tr>
<th>Uses Permitted</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult and/or senior day care and/or recreation facility (private or nonprivate)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic fields</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child day care center (subject to Chapter 21.83; defined: Section 21.04.086)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs — nonprofit; business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office area (see note 2 below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Religious reading room (separate from church)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Satellite television antennae (subject to Sections 21.53.130—21.53.150; defined: Section 21.04.302)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Signs (subject to Chapter 21.41)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Veterans’ organizations (including meeting facilities)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>
Use and charitable services (private or semi-private) with no permanent residential uses (e.g., Good Will, Red Cross, Traveler’s Aid)  
Wireless communication facilities (subject to Section 21.42.140 (B)(165); defined: Section 21.04.379)  
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA and YWCA, except lodgings)  

Notes:  
1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.  
2. If any office area is proposed with a use, the office area must be ancillary to the main use; it cannot be the principal use.

(Ord. CS-224 § XXI, 2013; Ord. CS-189 § XXII, 2012; Ord. CS-178 § XVI, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 § XLII, 2010; Ord. NS-791 § 18, 2006; Ord. NS-579 § 1, 2001)

21.25.060 Limitations on permitted uses.
All uses shall be conducted wholly within a building except such uses as athletic fields, outdoor play areas, and other uses customarily conducted in the open. (Ord. NS-579 § 1, 2001)

21.25.070 Minimum requirements for community facilities area.
(1) The minimum size of the community facilities area for new master plan developments and new residential specific plan developments is two net developable acres plus one percent of the total net developable acreage in the entire master plan or residential specific plan area.  
(2) The minimum size of the community facilities area for master plan developments and residential specific plan developments approved prior to the effective date of the ordinance codified in this chapter and described in Section 21.25.020(3) is two net developable acres plus one percent of the total net developable acreage in the area included in the proposed amendment.  
(3) All master plans and residential specific plans must provide for a child day care facility somewhere within their community facilities area. (Ord. NS-579 § 1, 2001)

21.25.080 Building height.
No building in the C-F zone shall exceed a height of thirty-five feet and three levels if a minimum roof pitch of 3:12 is provided or twenty-four feet and two levels if a roof pitch less steep than 3:12 is provided. Architectural projections may be allowed pursuant to Section 21.46.020 of this code. (Ord. NS-579 § 1, 2001)

21.25.090 Yards.
Front yard, side yard, or rear yard setbacks shall be as required through the development standards contained in the master plan or residential specific plan. (Ord. NS-579 § 1, 2001)

21.25.100 Location and design standards.
Every community facilities site shall satisfy the following criteria:  
(1) The community facilities uses shall be located so as to assure compatibility with adjacent land uses.  
(2) The community facilities area(s) shall be located and designed so as to provide adequate buffering from, and to minimize any negative impacts to, surrounding residential developments.  
(3) The community facilities structures shall be designed to be architecturally compatible with surrounding developments.
(4) The community facilities site(s) shall be centrally located within the master plan or residential specific plan unless a noncentral location more effectively serves a greater number of residents of the master plan or residential specific plan.

(5) All community facilities uses shall be located on one unified site unless provision of two or more sites more effectively serves a greater number of residents of the master plan or residential specific plan. (Ord. NS-579 § 1, 2001)

21.25.110 Required notification.
Full disclosure shall be made to all buyers of surrounding residential units and owners of surrounding properties within six hundred feet that a community facility will be located on the reserved portion of the property. All approvals of new master plans, new residential specific plans, and amendments to previously approved master plans and residential specific plans involving one hundred or more gross acres of undeveloped land shall be conditioned to provide documentation that this disclosure requirement has been accomplished to the satisfaction of the city planner. (Ord. CS-164 § 10, 2011; Ord. NS-579 § 1, 2001)

21.25.120 Severability.
Should any section, subsection, sentence, clause, or phrase of the ordinance codified in this chapter be held for any reason to be invalid or unconditional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any part thereof be declared invalid or unconditional. (Ord. NS-579 § 1, 2001)
Chapter 21.26

C-1 NEIGHBORHOOD COMMERCIAL ZONE

Sections:

A. In a C-1 zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-1 neighborhood commercial zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates use is permitted. (See note 1 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 1 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountants</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult and/or senior daycare and/or recreation facility (private/non-private)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic treatment centers</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>Amusement parks</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcades—coin-operated (subject to Section 21.42.140(B)(15); defined: Section 21.04.091)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Attorneys</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banks and other financial institutions without drive-thru facilities</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>Bakeries</td>
<td>X</td>
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<tr>
<td>Barbershops or beauty parlors</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Book or stationery stores</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child day care centers, subject to the provisions of Chapter 21.83 of this title</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Columbariums, crematories, and mausoleums (not within a cemetery)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Delicatessens (defined: Section 21.04.106)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doctors, dentists, optometrists, chiropractors and others practicing the healing arts for human beings, and related uses such as oculists, pharmacies (prescription only), biochemical laboratories and x-ray laboratories</td>
<td>X</td>
<td></td>
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<tr>
<td>Dressmaking or millinery shops</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Drive-thru facility (not restaurants)</td>
<td></td>
<td>1</td>
<td></td>
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<tr>
<td>Drugstores</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Dry goods or notion stores</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Educational facilities, other (defined: Section 21.04.137)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Engineers, architects and planners</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairgrounds</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Florist shops</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fortunetellers, as defined in Section 5.50.010</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Grocery or fruit stores</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Hardware stores</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals (defined: Section 21.04.170)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Hospitals (mental) (defined: Section 21.04.175)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Hotels and motels (subject to Section 21.42.140(B)(80))</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Institutions of a philanthropic or eleemosynary nature, except correctional or mental</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jewelry stores</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Launderies or clothes cleaning agencies</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundromats</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor store (subject to Section 21.42.140(B)(85); defined: Section 21.04.203)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Meat markets</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Paint stores</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Pawnshops (subject to Section 21.42.140(B)(105))</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Pet supply shops</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pool halls, billiards parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Private clubs, fraternities, sororities and lodges, excepting those the chief activity of</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table: Uses Authorized

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>which is a service customarily carried on as a business</td>
<td></td>
<td></td>
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<tr>
<td>Public meeting halls, exhibit halls, and museums</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>buildings/facilities (defined: Section 21.04.297)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Racetracks</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Realtors</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation facilities</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of this title; defined: Section 21.105.015)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, small (subject to Chapter 21.105</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of this title; defined: Section 21.105.015)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious reading room (separate from church)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential uses (subject to Section 21.26.015 of this title)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants (bona fide public eating establishment) (defined:</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 21.04.056)</td>
<td></td>
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<tr>
<td>Restaurants (excluding drive-thru restaurants), tea rooms or cafes</td>
<td>X</td>
<td></td>
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<tr>
<td>(excluding dancing or entertainment and on-sale liquor)</td>
<td></td>
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<td></td>
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<tr>
<td>Satellite television antennae (subject to Section 21.53.130—21.53.150; defined: Section 21.04.302)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoe stores or repair shops</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Signs (subject to Chapter 21.41)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stadiums</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tailors, clothing or wearing apparel shops</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tattoo parlors (subject to Section 21.42.140(B)(140))</td>
<td>3</td>
<td></td>
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</tr>
<tr>
<td>Theaters (motion picture or live) — Indoor</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, stages, amphitheaters — Outdoor</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thrift shops (subject to Section 21.42.140(B)(150))</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit passenger terminals (bus and train)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined:</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 21.04.378)</td>
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<td></td>
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<tr>
<td>Welfare and charitable service (private or semi-private) with no</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>permanent residential uses (i.e., Goodwill, Red Cross, Traveler's</td>
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<tr>
<td>Aid)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Windmills (exceeding height limit of zone) (subject to Section</td>
<td>2</td>
<td>/ 2</td>
<td></td>
</tr>
<tr>
<td>21.42.140(B)(160))</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(165); defined: Section 21.04.379)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs, YMCA, YWCA, except lodgings)</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Note:**

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


A. Subject to the requirements of this section, outdoor dining (incidental) may be established as part of any business that serves food and/or beverages for onsite consumption, such as but not limited to restaurants, bona fide eating establishments and delicatessens.
B. If the proposed outdoor dining (incidental) is located in the coastal zone and is not exempt from a coastal development permit by Chapter 21.201 of this title, approval of a coastal development permit or minor coastal development permit, processed in accordance with Chapter 21.201, shall be required.

C. Development Standards. All areas providing outdoor dining (incidental) shall comply with the following development standards:

1. Outdoor dining areas shall comply with all applicable requirements of the State of California Disabled Access Regulations (Title 24);
2. Outdoor dining areas shall comply with all applicable requirements of the alcoholic beverage commission, if alcoholic beverages are served in the outdoor area;
3. Outdoor dining areas shall be operated only during the hours of operation of the associated business;
4. Outdoor dining areas shall be used exclusively for eating and drinking;
5. Outdoor dining areas shall be located on private property only;
6. Outdoor dining areas shall provide adequate circulation to accommodate normal pedestrian traffic and circulation for the outdoor dining area. Pedestrian clearance between tables and/or walls/fences shall be a minimum forty-two inches wide;
7. The maximum area provided for outdoor dining (incidental) shall be limited to a maximum of four hundred square feet;
8. Outdoor dining areas shall not be located where the incidental outdoor dining area would:
   a. Encroach into the public right-of-way;
   b. Eliminate any existing required parking spaces;
   c. Remove or reduce existing landscaping (unless equivalent additional landscaping is provided elsewhere to the satisfaction of the city planner);
   d. Present a traffic or pedestrian hazard; or
   e. Be located where the nearness, volume or speed of vehicular traffic would be incompatible with outdoor dining, in the opinion of the city engineer;
9. When calculating square footage for purposes of determining parking required per Chapter 21.44 of this code, space used for outdoor dining (incidental) pursuant to this section shall be excluded.

(Ord. CS-178 § XVIII, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 § XLVI, 2010; Ord. NS-492 § 2, 1999)

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

A. Residential uses shall be located above the ground floor of a multi-storied commercial building with one or more of the nonresidential uses permitted by Section 21.26.010 of this title located on the ground floor.

B. Residential uses shall be subject to the requirements of the chapters of this title, which include but are not limited to, Chapter 21.26, Chapter 21.44, and in the case of airspace subdivisions, Chapter 21.47.

C. At the minimum, residential uses shall be constructed at the RHNA base density for the residential high (RH) general plan designation of twenty units per acre as described on Table 2 of the general plan land use element, subject to approval of a site development plan processed in accordance with Chapter 21.06 of this title.

1. Density and yield of residential uses shall be determined consistent with the residential density calculations and residential development restrictions in Section 21.53.230 of this title and shall be
based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at least one dwelling unit in a mixed use development.

2. Residential uses shall be secondary and accessory to the primary commercial use of the site. Compliance with this provision shall be evaluated as part of the site development plan.

D. Residential uses shall include residential care facilities (serving six or fewer persons), supportive housing, and transitional housing. (Ord. CS-249 § XII, 2014; Ord. CS-191 § XIV, 2012; Ord. CS-172 § III, 2012)

Every nonresidential use permitted shall be subject to the following conditions and limitations:

(1) All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, nurseries for sale of plants and flowers and other enterprises customarily conducted in the open;

(2) Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing, processing and treatment of products permitted herein;

(3) Storage shall be limited to accessory storage of commodities sold at retail on the premises. (Ord. CS-172 § IV, 2012; Ord. NS-492 § 3, 1999; Ord. NS-439 § 3, 1998; Ord. 9224 § 2, 1969; Ord. 9060 § 1001)

A. Except as otherwise provided in this section, no building within the C-1 zone shall exceed a height of thirty-five feet, including the protrusions described in Section 21.46.020.

B. Purely architectural features such as flagpoles, steeples or architectural towers may be permitted to a maximum of forty-five feet through approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that the decision-making authority makes the specific findings that the protruding architectural features:

1. Do not function to provide usable floor area;
2. Do not accommodate and/or screen building equipment;
3. Do not adversely impact adjacent properties; and
4. Are necessary to ensure a building’s design excellence. (Ord. CS-178 § XIX, 2012; Ord. NS-240 § 2, 1993; Ord. NS-180 § 16, 1991; Ord. 9060 § 1002)

No front yard shall be provided except as may be required by a precise plan. (Ord. 9060 § 1003)

Unless otherwise required by a precise plan, no side yard need be provided. (Ord. 9060 § 1004)

On any lot, the rear lot line of which abuts property in any “R” zone and no alley intervenes, no buildings shall be erected closer than ten feet to the rear lot line; provided further, if such a lot abuts upon an alley, no building shall be erected closer than five feet to the rear lot line of such lot. (Ord. 9060 § 1005)
21.27.010 Intent and purpose.
The office zone establishes regulations for the development of professional offices and closely related commercial uses. This zone is intended for exclusive office use but limited commercial may be permitted in certain circumstances. This zone may be utilized as a buffer between higher intensity commercial uses and residential development. (Ord. 9698 § 1, 1983)

21.27.020 Permitted uses.
A. In an O zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.

C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this office zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates use is permitted. (See note 1 below)

“CUP” indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountants</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative and executive offices</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Advertising agencies</td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>Alcoholic treatment centers</td>
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<td></td>
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</tr>
<tr>
<td>Architects, planners and engineers</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
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<tr>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>Attorneys</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Banks and other financial institutions without drive-thru facilities</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
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<td>2</td>
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<tr>
<td>Child day care center (subject to Chapter 21.83; defined: Section 21.04.086)</td>
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<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
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<td></td>
<td>2</td>
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<tr>
<td>Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
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<tr>
<td>Commercial artists</td>
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<tr>
<td>Company and corporate headquarters</td>
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<tr>
<td>Delicatessen (defined: Section 21.04.106)</td>
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<tr>
<td>Dentists, doctors, chiropractors and incidental related uses such as pharmacies (prescription only), biochemical, x-ray laboratories, medical offices and clinics (excluding hospitals)</td>
<td></td>
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<tr>
<td>Drive-thru facilities (excluding restaurants)</td>
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<tr>
<td>Educational facilities, other (defined: Section 21.04.137)</td>
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<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<td>Electronic data processing and record keeping services</td>
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<tr>
<td>Fairgrounds</td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
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<tr>
<td>General contractor (offices only, no equipment or material storage)</td>
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<td>Government offices</td>
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<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Hospitals (defined: Section 21.04.170)</td>
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<td>Hospitals (mental) (defined: Section 21.04.175)</td>
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<tr>
<td>Hotels and motels (subject to Section 21.42.140(B)(80))</td>
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<tr>
<td>Insurance agencies and services</td>
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<tr>
<td>Labor union offices (no hiring halls)</td>
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<tr>
<td>Management consultants</td>
<td></td>
<td></td>
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<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<tr>
<td>Offices, business and professional, including incidental commercial facilities such as blueprint and photocopy shops and duplicating services</td>
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<td>X</td>
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<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
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<td></td>
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<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
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<tr>
<td>Photographers</td>
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<tr>
<td>Public meeting halls, exhibit halls, and museums</td>
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<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
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<td>2</td>
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<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
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<td>2</td>
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<tr>
<td>Real estate and related services</td>
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<td>Recreation facilities</td>
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<td>Restaurants (bona fide public eating establishment) (defined: Section 21.04.056)</td>
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<tr>
<td>Satellite television antennae (subject to Section 21.53.130—21.53.150)</td>
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<td></td>
<td>X</td>
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<tr>
<td>Signs (subject to this chapter and Chapter 21.41)</td>
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<tr>
<td>Stadiums</td>
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<tr>
<td>Stockbrokers</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Title and trust companies</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Transit passenger terminals (bus and train)</td>
<td></td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>
21.27.040

Use | P | CUP | Acc
--- | --- | --- | ---
Travel agencies |  | X |  
Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378) | 1 |  
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160)) | 2 |  
Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379) | 1 / 2 |  

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


21.27.040 Minor site development plan required.
Approval of a minor site development plan processed according to the provisions of Chapter 21.06 of this title shall be required for any development in the O zone. (Ord. CS-178 § XXII, 2012; Ord. NS-409 § 14, 1997; Ord. 9698 § 1, 1983)

21.27.050 Development standards.
A. The following development standards shall apply to all new construction, development or subdivision in the O zone:
   1. Lot Area. The minimum area of any newly created lot shall be ten thousand square feet except that this requirement shall not be construed to prohibit condominium or planned unit developments approved pursuant to Chapter 21.47. This zone may be applied to existing lots of less than ten thousand square feet when it can be found that the lots are suitable in size and shape to accommodate development as permitted in the O zone.
   2. Lot Width. Every newly created lot shall have a width of not less than seventy-five feet at the rear line of the required front yard.
   3. Building Height. Except as otherwise provided in this section, no building within the O zone shall exceed a height of thirty-five feet, and allowed height protrusions as described in Section 21.46.020 shall not exceed a height of forty-five feet. Additional building height up to a maximum of forty-five feet may be permitted through approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
      a. All required setbacks shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional setback area will be maintained as landscaped open space; and
      b. The allowed height protrusions as described in Section 21.46.020 do not exceed a height of forty-five feet; with the exception of architectural features such as flagpoles, steeples or architectural towers which may be permitted up to fifty-five feet if the decision-making authority makes the specific findings that the protruding architectural features:
         i. Do not function to provide usable floor area;
         ii. Do not accommodate and/or screen building equipment;
         iii. Do not adversely impact adjacent properties; and
         iv. Are necessary to ensure a building’s design excellence.
   4. Setbacks. Every lot shall provide required yards, measured from the property line as follows:

832
21.27.050

Driveways/Parking | 1 Story Building | 2 or more stories up to 35 feet

| Front yard       | 10' | 15'  | 20'  |
| Front yard on an arterial | 15' | 20'  | 30'  |
| Front yard on a prime arterial | 30' | 40'  | 50'  |
| Street side yard | 10' | 15'  | 20'  |
| Side yard on an arterial | 15' | 20'  | 30'  |
| Side yard on a prime arterial | 30' | 40'  | 50'  |
| Interior side yard | 5'  | 10'  | 10'  |
| Rear yard         | 5'  | 10'  | 10'  |

1 Buildings above thirty-five feet shall be setback an additional distance pursuant to subsection A.3 of this section.

a. Setbacks for parking may be reduced with construction of a six-foot solid masonry wall and appropriate landscape buffer on a rear or interior side yard only.

b. Through lots shall be considered to have two front yards and shall observe setbacks accordingly.

5. Permitted Intrusions. The following intrusions only may be permitted within the required setbacks:
   a. Pedestrian walkways;
   b. Landscaping;
   c. Planters;
   d. Fences or walls;
   e. Approved areas of ingress and egress;
   f. Approved monument signs;
   g. Public and employee recreational facilities as approved by the city planner;
   h. Architectural projections such as eaves, sunscreens, columns and buttresses may extend six feet into any setback thirty feet and greater and three feet into any setback less than thirty feet.

   a. All landscaping shall comply with the city landscape guidelines manual. All landscaped areas shall be planted with a combination of trees, shrubs and groundcover. All landscaped areas shall be served by a permanent irrigation system including bubblers or sprinklers. Prior to approval of a building permit, each applicant shall submit a landscape and irrigation plan for the approval of the city planner. All approved improvements shall be installed prior to occupancy of the building.
   b. All setback areas shall be planted with plant species consistent with the landscape guidelines manual. Variations in ground plane by use of undulating mounding is encouraged to screen parking areas and to enhance the landscaping and building architecture. Landscaping along arterials should comply with the city’s streetscaping program.
   c. The use of decorative impervious surfaces for up to forty percent of the required yard areas for visual enhancement, pedestrian or employee recreational use may be permitted through a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title.
   d. A minimum of ten percent of that portion of the site devoted to uncovered parking shall be landscaped. Landscaping shall be designed so as to offer relief from the monotony of rows of parked cars, and to create an overhead canopy. A minimum of one fifteen-gallon tree per four parking stalls shall be required in the parking area. All exposed parking areas shall be screened with landscaping, contouring and mounding.
   a. For developments which utilize surface parking, all structures shall not cover more than fifty percent of the lot on which they are located.
   b. For developments which include a parking structure or parking is located within or under the building it serves, the total coverage of all structures shall not exceed seventy-five percent of the lot. This provision shall apply only if seventy-five percent of the required parking is located in the parking structure or within or under the building it serves.

8. Signs. All signs proposed in the O zone shall comply with Chapter 21.41 of this title.

9. Walls and Fences. A solid masonry wall, six feet in height, shall be constructed along the common lot line with any residentially zoned property, except in the front yard where the wall shall be reduced to forty-two inches in height. Walls and fences up to a height of six feet are permitted except that no wall or fence shall be erected in any front yard setback in excess of forty-two inches and that all walls and fences shall observe a minimum setback of ten feet from the property line for side yard on a street. Chain link, barbed wire razor ribbon or other similar fences are specifically not permitted.

10. Lighting. Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits. Light sources shall be designed to avoid direct or indirect glare to any off-site properties or public rights-of-way.

11. Roof Appurtenances. All roof appurtenances, including air conditioners, shall be architecturally integrated and shielded from view and the sound buffered from adjacent properties and streets, to the satisfaction of the city planner.

12. Trash Enclosures. Trash receptacle areas shall be enclosed by a six-foot-high masonry wall with gates pursuant to city standards.

13. Loading Areas. All loading areas shall be oriented and/or screened so as to be unobtrusive from the adjacent streets or properties.

14. Parking Requirements. Off-street parking shall be provided pursuant to Chapter 21.44 of this title.

15. Employee Eating Areas. Outdoor eating facilities for employees shall be provided outside all industrial/office buildings containing more than five thousand square feet, as follows, except as noted below:
   a. A minimum of three hundred square feet of outdoor eating facilities shall be provided for each five thousand square feet of building area. Credit towards the required amount of square footage will be given for indoor eating facilities on a 1:1 basis, as determined by the city planner.
   b. The area shall be easily accessible to the employees of the building.
   c. The area shall be located such that a sense of privacy is apparent.
   d. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.
   e. The site size, location, landscaping and furniture required above shall be approved as part of the required discretionary action (tentative map, site development plan, planned unit development, etc.) required under Title 21 of this code. If no discretionary permit is required, a site plan showing the location, landscaping and facilities required above shall be submitted to the city planner for approval prior to the issuance of any building permits.
   f. This section shall not apply to industrial/office buildings which are located within one thousand feet of an approved mini-park or a city park which is accessible by walking as determined by the city planner. (Ord. CS-178 § XXII, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 §§ LIV, LV, 2010; Ord. NS-675 § 76, 2003; Ord. NS-240 § 3, 1993; Ord. NS-204 § 9, 1992; Ord. NS-180 §§ 17, 23, 1991; Ord. 9786 § 1, 1986; Ord. 9698 § 1, 1983)
Chapter 21.28

C-2 GENERAL COMMERCIAL ZONE

Sections:
21.28.010 Permitted uses.
21.28.015 Residential uses in the C-2 zone.
21.28.020 Limitations on permitted uses.
21.28.030 Building height.
21.28.040 Front yard.
21.28.050 Placement of buildings.

21.28.010 Permitted uses.
A. In a C-2 zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.

C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-2 general commercial zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates use is permitted. (See note 1 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 1 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult and/or senior day care and/or recreation facility (private or non-private)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Alcoholic treatment centers</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Amusement parks</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Any use permitted in the C-1 zone</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
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<tr>
<td>Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))</td>
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<td>1</td>
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<tr>
<td>Arcades—coin-operated (subject to Section 21.42.140(B)(15); defined: Section 21.04.091)</td>
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</tr>
<tr>
<td>Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto repair</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars, cocktail lounges (subject to Section 21.42.140(B)(20); defined: Section</td>
<td></td>
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</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
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<td>21.04.041) (see note 1 below)</td>
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<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td>2</td>
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<tr>
<td>Blueprinting, photocopying and duplicating services</td>
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<tr>
<td>Bowling alley (subject to Section 21.42.140(B)(35); defined: Section 21.04.057)</td>
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<tr>
<td>Breweries with retail accessory use, including tasting rooms</td>
<td>3</td>
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<tr>
<td>Car wash (subject to Section 21.42.140(B)(45))</td>
<td>1</td>
<td></td>
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<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td>2</td>
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<tr>
<td>Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td>1</td>
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<tr>
<td>Columbariums and mausoleums (not within a cemetery)</td>
<td>2</td>
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<tr>
<td>Commercial printing and photoengraving</td>
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<tr>
<td>Delicatessen (defined: Section 21.04.106)</td>
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<tr>
<td>Drive-thru facilities (excluding restaurants)</td>
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<tr>
<td>Educational facilities, other (defined: Section 21.04.137)</td>
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<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<tr>
<td>Fairgrounds</td>
<td>3</td>
<td></td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
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<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Hospitals (defined: Section 21.04.170)</td>
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<tr>
<td>Hospitals (mental) (defined: Section 21.04.175)</td>
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<tr>
<td>Hotels and motels (subject to Section 21.42.140(B)(80))</td>
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<tr>
<td>Liquor store (subject to Section 21.42.140(B)(85); defined: Section 21.04.203)</td>
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<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<tr>
<td>Mortuaries</td>
<td>2</td>
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<tr>
<td>Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound (see note 1 below)</td>
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</tr>
<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
<td>X</td>
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</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<td></td>
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<tr>
<td>Parking facilities (primary use; i.e., day uses, short-term, non-storage)</td>
<td>1</td>
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<tr>
<td>Pawnshops (subject to Section 21.42.140(B)(105))</td>
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<td>Pet shops</td>
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<td>Pool halls, billiard parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)</td>
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<td>Radio/television/microwave/broadcast station/tower</td>
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<tr>
<td>Recreation facilities</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, small (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)</td>
<td>1</td>
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</tr>
<tr>
<td>Religious reading room</td>
<td>1</td>
<td></td>
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<tr>
<td>Residential uses (subject to Section 21.28.015 of this title)</td>
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</tr>
<tr>
<td>Retail, wholesale or service businesses catering directly to the consumer</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Use | P | CUP | Acc
---|---|---|---
Satellite television antennae (subject to Sections 21.53.130 through 21.53.140) (defined: Section 21.04.302) | | X | 
Signs (subject to Chapter 21.41) | | X | 
Stadiums | 3 | | 
Tattoo parlors (subject to Section 21.42.140(B)(140)) | 3 | | 
Theaters (motion picture or live) — Indoor | 2 | | 
Theaters, stages, amphitheaters — Outdoor | 3 | | 
Thrift shops (subject to Section 21.42.140(B)(150)) | 1 | | 
Transit passenger terminals (bus and train) | 2 | | 
Upholstering shops | X | | 
Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378) | 1 | | 
Welfare and charitable services (private or semi-private) with no permanent residential uses (e.g., Goodwill, Red Cross, Traveler’s Aid) | 1 | | 
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160)) | 2 | | 
Wireless communication facilities (subject to Section 21.42.140(B)(165)) | 1 / 2 | | 
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings) | 1 | | 

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


21.28.015 Residential uses in the C-2 zone.
Mixed use developments that propose residential uses in combination with commercial uses shall comply with the following requirements.

A. Residential uses shall be located above the ground floor of a multi-storied commercial building with one or more of the nonresidential uses permitted by Section 21.28.010 of this title located on the ground floor.

B. Residential uses shall be subject to the requirements of the chapters of this title, which include but are not limited to, Chapter 21.28, Chapter 21.44, and in the case of airspace subdivisions, Chapter 21.47.

C. At the minimum, residential uses shall be constructed at the RHNA Base density for the residential high (RH) general plan designation of twenty units per acre as described on Table 2 of the general plan land use element, subject to approval of a site development plan processed in accordance with Chapter 21.06 of this title.

1. Density and yield of residential uses shall be determined consistent with the residential density calculations and residential development restrictions in Section 21.53.230 of this title and shall be based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at least one dwelling unit in a mixed use development.

2. Residential uses shall be secondary and accessory to the primary commercial use of the site. Compliance with this provision shall be evaluated as part of the site development plan.

D. Residential uses shall include residential care facilities (serving six or fewer persons), supportive housing, and transitional housing. (Ord. CS-249 § XIII, 2014; Ord. CS-191 § XV, 2012; Ord. CS-172 § VII, 2012)
21.28.020  **Limitations on permitted uses.**
Every nonresidential use permitted in the C-2 zone shall be subject to the following conditions and limitations:

(1) All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, horticultural nurseries and other enterprises customarily conducted in the open.

(2) Products made incident to a permitted use and manufactured or processed on the premises shall be sold only at retail on the premises, and not more than five persons may be employed in such manufacturing, processing and treatment of products.

(3) Storage shall be limited to accessory storage of commodities sold at retail on the premises. (Ord. CS-172 § VIII, 2012; Ord. NS-492 § 6, 1999; Ord. NS-439 § 6, 1998; Ord. 9224 § 2, 1969; Ord. 9060 § 1101)

21.28.030  **Building height.**
A. Except as otherwise provided in this section, no building in the C-2 zone shall exceed a height of thirty-five feet, and allowed height protrusions as described in Section 21.46.020 shall not exceed a height of forty-five feet.

B. Building height above thirty-five feet may be permitted, subject to the following:

1. Building height up to a maximum of forty-five feet may be permitted through approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
   a. The project complies with the provisions of subsection B.3 of this section.
   b. The allowed height protrusions as described in Section 21.46.020 do not exceed a height of forty-five feet; with the exception of architectural features such as flagpoles, steeples or architectural towers, which may be permitted up to fifty-five feet if the decision-making authority makes the specific findings that the protruding architectural features:
      i. Do not function to provide usable floor area;
      ii. Do not accommodate and/or screen building equipment;
      iii. Do not adversely impact adjacent properties; and
      iv. Are necessary to ensure a building’s design excellence.

2. Building height above forty-five feet up to a maximum of fifty-five feet may be permitted through approval of a site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
   a. The project complies with the provisions of subsection B.3 of this section.
   b. The allowed height protrusions as described in Section 21.46.020 do not exceed the height authorized by the decision-making authority.
   c. The decision-making authority finds that:
      i. The height of the building(s) will not adversely affect surrounding properties; and
      ii. The building(s) will not be unduly disproportional to other buildings in the area.

3. All required setbacks shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional setback area shall be maintained as landscaped open space. (Ord. CS-178 § XXIII, 2012; Ord. NS-240 § 4, 1993; Ord. NS-180 § 18, 1991; Ord. 9489 § 1, 1977; Ord. 9060 § 1102)
21.28.040  Front yard.
No front yard shall be provided except as may be required by a precise plan. (Ord. 9060 § 1103)

21.28.050  Placement of buildings.
On any lot, the rear lot line of which abuts property in any R zone and no alley intervenes, no building shall be erected closer than ten feet to the rear lot line; provided further, if such a lot abuts upon an alley, no building shall be erected closer than five feet to the rear lot line of such lot. (Ord. 9060 § 1104)
Chapter 21.29

C-T COMMERCIAL TOURIST ZONE*

Sections:
21.29.010 Intent and purpose.
21.29.020 Location.
21.29.030 Permitted uses.
21.29.040 Building height.
21.29.050 Placement of buildings.


21.29.010 Intent and purpose.
A. The intent and purpose of the C-T commercial tourist zone is to:
   1. Implement the travel/recreation commercial (TR) land use designation of the Carlsbad general plan;
   2. Provide for the development of tourist-oriented attractions and commercial uses that serve the travel and recreational needs of tourists, residents, as well as employees of business and industrial centers; and
   3. Provide regulations and development standards to ensure such uses are compatible with and designed to protect surrounding properties, ensure safe traffic circulation, and promote economically viable tourist-oriented areas of the city. (Ord. NS-769 § 2, 2005)

21.29.020 Location.
It is intended that the C-T commercial tourist zone be placed on properties located near major transportation corridors or recreation areas as designated by the general plan and any applicable specific plans. (Ord. NS-769 § 2, 2005)

21.29.030 Permitted uses.
A. In the C-T zone, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “offices” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-T zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.
### Table A
#### Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- "P" indicates use is permitted.
- "CUP" indicates use is permitted with approval of a conditional use permit.
- 1 = Administrative hearing process
- 2 = Planning commission hearing process
- 3 = City council hearing process
- "Acc" indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses/structures, which are customarily appurtenant to a permitted use (e.g., incidental storage facilities) (see note 1, below) (defined: Section 21.04.020)</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Airports</td>
<td></td>
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<tr>
<td>Amusement parks</td>
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<td>3</td>
<td></td>
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<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
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<tr>
<td>Aquariums</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Arcades (coin-operated) (subject to Section 21.42.140(B)(15); defined: Section 21.04.091)</td>
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</tr>
<tr>
<td>Art galleries</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Athletic clubs, gymnasiums, health clubs</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>ATM kiosks (see note 1, below)</td>
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<tr>
<td>Automobile rental (no auto repair)</td>
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<tr>
<td>Bait shops (accessory to a recreation facility)</td>
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<tr>
<td>Bars, cocktail lounges (subject to Section 21.42.140(B)(20); defined: Section 21.04.041)</td>
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<tr>
<td>Bed and breakfasts (subject to Section 21.42.140(B)(25); defined: Section 21.04.046)</td>
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<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
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<tr>
<td>Boat launching/docking facilities</td>
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<tr>
<td>Botanical gardens</td>
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<tr>
<td>Bowling alley, subject to Section 21.42.140(B)(35); defined: Section 21.04.057)</td>
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<td>2</td>
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<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
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<tr>
<td>Car wash (accessory to an automobile service station), subject to Section 21.42.140(B)(45)</td>
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<tr>
<td>Cemeteries</td>
<td></td>
<td>3</td>
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<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
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<td></td>
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<tr>
<td>Commercial artisan studios/retail (e.g., jewelry arts, painting, pottery, glass blowing, etc.)</td>
<td></td>
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<tr>
<td>Cultural activities and facilities</td>
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<tr>
<td>Delicatessen (defined: Section 21.04.106)</td>
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<td>Drive-thru facilities (not restaurant)</td>
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<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<tr>
<td>Entertainment activities and facilities</td>
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</tr>
<tr>
<td>Fairgrounds</td>
<td></td>
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<tr>
<td>Farmers markets</td>
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<td>Florists</td>
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<tr>
<td><strong>Use</strong></td>
<td><strong>P</strong></td>
<td><strong>CUP</strong></td>
<td><strong>Acc</strong></td>
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<td>------------------------------------------------------------------------</td>
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<tr>
<td>Food stores (specialty) (e.g., ice cream, candy, deli, bakery, pastry shop, fish market)</td>
<td>X</td>
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<tr>
<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
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<td>Golf courses (see note 2, below)</td>
<td>2</td>
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<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td>1</td>
<td></td>
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<tr>
<td>Grocery/produce/convenience stores (not to exceed 2,500 sq. ft.)</td>
<td>X</td>
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<td>Hotels/motels</td>
<td>X</td>
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<tr>
<td>News/magazine stands (see note 1, below)</td>
<td>X</td>
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<td>Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound</td>
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<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photography equipment sales/services (cameras, supplies, film development)</td>
<td>X</td>
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<tr>
<td>Pool halls/billiard parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)</td>
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<td>Produce stands</td>
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<td></td>
<td></td>
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<tr>
<td>Restaurants, cafes, coffee shops, including take-out only (no drive-thru)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants (located adjacent to residentially developed or designated property, no drive-thru)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail (specialty - catering to tourists) (e.g., antique stores, bookstores, souvenir/gift/novelty shops, specialty apparel shops)</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Satellite TV antennas (subject to Sections 21.53.130 through 21.53.150 [see note 1, below]; defined: Section 21.04.302)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services (personal), limited to drycleaners, laundromats, and personal grooming (e.g., barbershops, beauty salons, day spas)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs, subject to Chapter 21.41 (see note 1, below) (defined: Section 21.04.305)</td>
<td>X</td>
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</tr>
<tr>
<td>Sporting equipment/apparel sales/rental</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stadiums</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters (motion picture or live) - Indoor</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, stages, amphitheaters - Outdoor</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time-share projects (subject to Section 21.42.140(B)(155); defined: Section 21.04.357)</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourist information centers</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit passenger terminals (bus and train)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travel agencies</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacation rental office</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Video rental/sales</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
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<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Windmills (exceeding height limit) (subject to Section 21.42.140(B)(160))</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165))</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Zoos (private) (subject to Section 21.42.140(B)(170))</td>
<td></td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

Notes:
1. Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.
2. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

(Ord. CS-189 §§ XXIX, XXX, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 22, 2006; Ord. NS-769 § 2, 2005)

21.29.040 Building height.
A. No building in the C-T zone shall exceed a height of thirty-five feet or three levels, and allowed height protrusions as described in Section 21.46.020 shall not exceed forty-five feet. Additional building height may be permitted to a maximum of forty-five feet through a site development plan approved by the city council provided that:
   1. The building does not contain more than three levels;
   2. All required setbacks shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional setback area will be maintained as landscaped open space;
   3. The building conforms to the requirements of Section 18.04.170 of this code; and
   4. The allowed height protrusions as described in Section 21.46.020 do not exceed forty-five feet; with the exception of architectural features such as flagpoles, steeples or architectural towers which may be permitted up to fifty-five feet if the council makes the specific findings that the protruding architectural features:
      a. Do not function to provide usable floor area;
      b. Do not accommodate and/or screen building equipment;
      c. Do not adversely impact adjacent properties; and
      d. Are necessary to ensure a building’s design excellence. (Ord. NS-769 § 2, 2005)

21.29.050 Placement of buildings.
On any lot where the side or rear lot line abuts property in any R zone and no alley intervenes, no building shall be erected closer than ten feet to such lot line; provided, further, if such a lot abuts upon an alley, no building shall be erected closer than five feet to the rear lot line of such lot. (Ord. NS-769 § 2, 2005)
Chapter 21.30

C-M HEAVY COMMERCIAL—LIMITED INDUSTRIAL ZONE

Sections:
21.30.010 Permitted uses.
21.30.020 Limitations on permitted uses.
21.30.040 Front yard.
21.30.050 Side yards.
21.30.070 Employee eating areas.

21.30.010 Permitted uses.
A. In a C-M zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-M heavy commercial—limited industrial zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code.
“P” indicates use is permitted. (See notes 2 and 3 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See notes 2 and 3 below)

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult businesses (subject to Chapters 8.60 and 21.43)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airports</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Alcoholic treatment centers</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Amusement parks</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Any use permitted in other commercial zones is permitted in the C-M zone, with exceptions as set out in note 1, below</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Arcades—coin-operated (subject to Section 21.42.140(B)(15); defined: Section</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
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<td>-----</td>
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</tr>
<tr>
<td>Assembly of electrical appliances such as: (A) electronic instruments and devices, (B) radios and phonographs, including manufacture of small parts, such as coils</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auction houses or stores</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Auto storage/impound yards (i.e., overnight product storage)</td>
<td></td>
<td>2</td>
<td>X</td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Boat building (limited to those craft which may be transported over a state highway without permit)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Body and fender works, including painting</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Book printing and publishing</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bookbinding</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowling alley (subject to Section 21.42.140(B)(35); defined: Section 21.04.057)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breweries</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breweries with retail accessory use, including tasting rooms, up to 20% of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see Note 4 below)</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building material storage yards</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabinet shops</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Carpet cleaning plants</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Ceramic products, manufacture of, using only previously pulverized clay and kilns fired only by electricity or low pressure gas</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Child day care center (subject to Chapter 21.83; defined: Section 21.04.086)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleaning and dyeing plants</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Columbariums and mausoleums (not within a cemetery)</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>Delicatessens (defined: Section 21.04.106)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-thru facilities (excluding restaurants)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling on the same lot on which a factory is located when such dwelling is used exclusively by a caretaker or superintendent of such factory and his or her family. When such dwelling is established, all required yards in the R-3 zone shall be maintained</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Educational facilities, other (defined: Section 21.04.137)</td>
<td>1</td>
<td></td>
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<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<tr>
<td>Fairgrounds</td>
<td>3</td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>Feed and fuel yards</td>
<td>X</td>
<td></td>
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<tr>
<td>Frozen food lockers</td>
<td>X</td>
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<tr>
<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
<td>2</td>
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<tr>
<td>Glass studios, staining, edging, beveling and silvering in connection with sale of mirrors and glass for decorating purposes</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td>1</td>
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<tr>
<td>Hazardous waste facility (subject to Section 21.42.140(B)(75); defined: Section 21.04.167)</td>
<td>3</td>
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<tr>
<td>Hospital, industrial emergency (not full hospital or mental hospital)</td>
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<td></td>
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<tr>
<td>Kennels (defined: Section 21.04.195)</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>Laboratories, experimental, motion picture, testing</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundries</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Lumber yards (no planing mills and burners)</td>
<td>X</td>
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<td></td>
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<tr>
<td>Machine shops</td>
<td>X</td>
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<tr>
<td>Mini-warehouses/self storage</td>
<td>2</td>
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<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<tr>
<td>Mortuaries</td>
<td>2</td>
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<tr>
<td>Musical instruments, manufacture of</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newspaper/periodical printing and publishing</td>
<td>X</td>
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<td></td>
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<tr>
<td>Oil and gas facilities (on-shore) (subject to Section 21.42.140(B)(95))</td>
<td>3</td>
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<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
<td>X</td>
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<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td>1</td>
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<tr>
<td>Parcel service delivery</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
<td>1</td>
<td></td>
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<tr>
<td>Pawnshops (subject to Section 21.42.140(B)(105))</td>
<td>3</td>
<td></td>
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<tr>
<td>Plumbing shops and plumbing shop supply yards</td>
<td>X</td>
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<tr>
<td>Pool halls, billiard parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)</td>
<td>2</td>
<td></td>
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<tr>
<td>Public scales</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Racetracks</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation facilities</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Recreational vehicle storage (subject to Section 21.42.140(B)(120); defined: Section 21.04.299)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105; defined: Section 21.105.015)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, small (subject to Chapter 21.105; defined: Section 21.105.015)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling process/transfer facility</td>
<td>2</td>
<td></td>
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</tr>
<tr>
<td>Restaurants (bona fide public eating establishment) (defined: Section 21.04.056)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite antennae (&gt;1 per use) (defined: Section 21.04.302)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite television antennae (subject to Sections 21.53.130 through 21.53.140; defined: Section 21.04.302)</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Sheet metal shops</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Signs (subject to Chapter 21.41)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stadiums</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tattoo parlors (subject to Section 21.42.140(B)(140))</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters (motion picture or live)—Indoor</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thrift shops (subject to Section 21.42.140(B)(150))</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire rebuilding, recappping and retreading</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit passenger terminals (bus and train)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit storage (ex. rolling stock)</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale businesses, storage buildings and warehouses</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
<td>1 / 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Notes:

1. Any use permitted in the commercial zones is allowed in the C-M zone, except: (A) Hotels and motels, (B) Hospitals (however, industrial emergency hospitals are permitted), (C) Residential care facilities, (D) Professional care facilities, (E) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business, (F) Institutions of a philanthropic or eleemosynary nature, including correctional and mental.

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

3. For properties which are located within the boundaries of the Carlsbad Research Center (CRC) Specific Plan, please refer to the CRC Specific Plan for a list of allowable uses, setback requirements, etc.

4. The retail use shall be accessory to the permitted use and wholly contained within the building. All products for retail sale shall be produced, distributed, and/or warehoused on the premises. No outdoor display of merchandise or retail sales shall be permitted unless customarily conducted in the open. Parking for the accessory retail use shall be determined based on the parking requirement for the primary use pursuant to CMC Chapter 21.44.


21.30.020 Limitations on permitted uses.

Every use permitted shall be subject to the following conditions and limitations:

(1) When an industrial area fronts or sides upon a thoroughfare, the opposite side of which is classified for "R" purposes, there shall be maintained a building line setback of ten percent of the average depth of the lots in each block of such industrial area, provided such setback shall not be less than ten feet nor exceed fifty feet in depth. A minimum strip of landscaping approved by the planning commission shall be maintained along all frontage of the setback area. In addition thereto, the following uses may be permitted in such setback area:

(A) Landscaping,

(B) Motor vehicle parking (only if surfaced in such manner as to eliminate dust or mud),

(C) Employees recreational area without structures,

(D) Driveways (only if surfaced in such manner as to eliminate dust or mud),

(E) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock,

(F) An ornamental open type fence not over eight feet in height, made of material such as woven wire, wood, welded wire, chain link or wrought iron;

(2) All uses shall be conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall or uniformly painted fence not less than five feet in height, except such uses as gasoline stations, electrical transformer substations, horticultural nurseries and other enterprises customarily conducted in the open, provided such exclusion shall not include storage yards, contractor's yards and like uses;

(3) All operations conducted on the premises shall not be objectionable by reason of noise, odor, dust, mud, smoke, vibration or other similar causes. (Ord. NS-492 § 9, 1999; Ord. NS-439 § 9, 1998; Ord. 9060 § 1201)


A. Except as otherwise provided in this section, no building in the C-M zone shall exceed a height of thirty-five feet, and allowed height protrusions as described in Section 21.46.020 shall not exceed a height of forty-five feet.

B. Building height above thirty-five feet may be permitted subject to the following:
1. Building height up to a maximum of forty-five feet may be permitted through the approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
   a. The project complies with the provisions of subsection B.3 of this section.
   b. The allowed height protrusions as described in Section 21.46.020 do not exceed a height of forty-five feet; with the exception of architectural features such as flagpoles, steeples or architectural towers, which may be permitted up to fifty-five feet if the decision-making authority makes the specific findings that the protruding architectural features:
      i. Do not function to provide usable floor area;
      ii. Do not accommodate and/or screen building equipment;
      iii. Do not adversely impact adjacent properties; and
      iv. Are necessary to ensure a building’s design excellence.

2. Building height above forty-five feet may be permitted through approval of a site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
   a. The project complies with the provisions of subsection B.3 of this section.
   b. The allowed height protrusions as described in Section 21.46.020 do not exceed the height authorized by the decision-making authority.
   c. The decision-making authority finds that:
      i. The height of the building(s) will not adversely affect surrounding properties; and
      ii. The building(s) will not be unduly disproportional to other buildings in the area.

3. All required setbacks shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional setback area shall be maintained as landscaped open space. (Ord. CS-178 § XXIV, 2012; Ord. CS-164 § 10, 2011; Ord. NS-240 § 6, 1993; Ord. NS-180 § 20, 1991; Ord. 9645 § 1, 1982; Ord. 9060 § 1202)

21.30.040 Front yard.
No front yard shall be provided except as may be required by a precise plan. (Ord. 9060 § 1203)

21.30.050 Side yards.
No side yards shall be provided except as may be required by a precise plan. (Ord. 9060 § 1204)

On any lot, the rear lot line of which abuts property in any “R” zone and no alley intervenes, no building shall be erected closer than ten feet to the rear lot line; provided further, if such a lot abuts upon an alley, no building shall be erected closer than five feet to the rear lot line of such lot. (Ord. 9060 § 1205)

21.30.070 Employee eating areas.
Outdoor eating facilities for employees shall be provided outside all industrial/office buildings containing more than five thousand square feet, as follows, except as noted below:
   (1) A minimum of three hundred square feet of outdoor eating facilities shall be provided for each five thousand square feet of building area. Credit towards the required amount of square footage will be given for indoor eating facilities on a 1:1 basis, as determined by the city planner.
   (2) The area shall be easily accessible to the employees of the building.
   (3) The area shall be located such that a sense of privacy is apparent.
(4) The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.

(5) The site size, location, landscaping and furniture required above shall be approved as part of the required discretionary action (tentative map, site development plan, planned unit development, etc.) required under this title. If no discretionary permit is required, a site plan showing the location, landscaping and facilities required above shall be submitted to the city planner for approval prior to the issuance of any building permits.

(6) This section shall not apply to industrial/office buildings which are located within one thousand feet of an approved mini-park or a city park which is accessible by walking as determined by the city planner. (Ord. CS-178 § XXV, 2012; Ord. CS-164 § 10, 2011; Ord. 9786 § 1, 1986)
Chapter 21.31

C-L LOCAL SHOPPING CENTER ZONE

Sections:

21.31.010 Intent and purpose.
21.31.020 Definition: local shopping center.
21.31.030 Permitted uses.
21.31.040 Site development plan for new local shopping centers.
21.31.050 Redeveloping, remodeling, and expanding existing shopping centers.
21.31.060 Special requirements to be addressed in the site development plan.
21.31.065 Residential uses.
21.31.070 Limitations on permitted uses.
21.31.080 Development standards.
21.31.090 Severability.

21.31.010 Intent and purpose.
The intent and purpose of the C-L local shopping center zone is to:

A. Implement the local shopping center (L) land use designation of the Carlsbad general plan;
B. Assure that any site zoned C-L will be developed so as to provide a range of goods and services to meet the daily necessities and convenience of the residents of the neighborhoods in which the site is located;
C. Assure that local shopping centers are developed consistent with adopted specific plans, master plans, and local facilities management plans;
D. Assure that local shopping centers will be compatible with surrounding development and the local neighborhoods in which they are located;
E. Provide opportunities for local shopping centers to supplement their principal function of providing local neighborhoods with daily goods and services through the inclusion of community-serving uses, residential uses, general offices, medical offices, public and semi-public facilities, and entertainment uses when such other uses are found by the city to be desirable and can be integrated into the form and function of the local shopping center; and
F. Create a permit process through which proposals for new, expanded or redeveloped local shopping centers will be reviewed to assure that shopping centers comply with the intents and purposes stated herein, include superior and creative design and architecture, and conform with the city’s objectives for the community’s environment, health, safety, and welfare. (Ord. CS-178 § XXVII, 2012; Ord. NS-765 § 3, 2005)

21.31.020 Definition: local shopping center.
“Local shopping center” means a group of architecturally unified commercial establishments providing primarily neighborhood-serving goods and services, numbering at least three such establishments, built upon a site that is planned, developed, owned and managed as an operating unit related in its location, size, and type of shops to the trade area that it serves and with on-site parking in definite relationship to the types and total size of the stores. A local shopping center provides daily necessities and convenience goods and services needed by the neighborhood in which it is located. Therefore, it normally will have as major anchor tenants a grocery store and/or drug store or such combination of other establishments that function to provide equivalent goods and services, plus other secondary tenants. Other uses and tenants may supplement, but not replace, the local-serving nature of the center. (Ord. NS-765 § 3, 2005)
21.31.030  Permitted uses.

A. In the C-L zone, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50 of this title.

C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “offices” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-L zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A

Uses Permitted in the C-L Zone

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates the use is permitted. (See note 5 below)

"CUP" indicates that the use is permitted with approval of a conditional use permit. (See note 5 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"Acc" indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex. incidental storage facilities (see note 1, below) (defined: Section 21.04.020)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Adult and/or senior day care and/or recreation facility (private or nonprivate)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic treatment center</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcades—coin-operated (subject to Section 21.42.140(B)(15); defined: Section 21.04.091)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic clubs, gymnasiums, and health clubs</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banks and other financial institutions without drive-thru facilities</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars, cocktail lounges (subject to Section 21.42.140(B)(20); defined: Section 21.04.041)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowling alley (subject to Section 21.42.140(B)(35); defined: Section 21.04.057)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breweries with retail accessory use, including tasting rooms</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash (subject to Section 21.42.140(B)(45))</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child day care centers (subject to Chapter 21.83) (defined: Section 21.04.086)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delicatessen (defined: Section 21.04.106)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-thru facilities (excluding restaurant)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug paraphernalia store (subject to Section 21.42.140(B)(55))</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational facilities, other (defined: Section 21.04.137) (see note 2, below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Escort service (subject to Section 21.42.140(B)(60); defined: Section 21.04.141)</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
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<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Kiosks, vending carts, and push carts</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Liquor store (subject to Section 21.42.140(B)(85); defined: Section 21.04.203)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Manufacturing/fabrication of goods (ancillary) (subject to Section 21.31.070) (see note 1, below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Medical uses (excluding hospitals), including offices for medical practitioners, clinics, incidental laboratories, and pharmacies (prescription only)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>News/magazine stands (see note 1, below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Office uses, that provide services directly to consumers, including, but not limited to, banking, financial, insurance, and real estate services (see note 3, below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Outdoor sales of seasonal agricultural goods (Christmas trees, pumpkins, and similar products) (subject to Section 21.31.060(B)) (see note 1, below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Pet shops/pet supplies</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Plant nurseries and nursery supply</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Pool halls, billiard parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Public meeting halls, exhibit halls, and museums</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Recreation facilities</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105; defined: Section 21.105.015)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Recycling facilities, small (collection, temporary storage) (subject to Chapter 21.105; see also Section 21.31.080; defined: Section 21.105.015)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Recycling, reverse vending machine (subject to Chapter 21.105; defined: Section 21.105.025) (see note 1, below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Religious reading room (separate from church)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Residential uses (subject to Section 21.31.065)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Restaurants, cafes, and coffee shops, including take-out only service (excluding drive-thru)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Retail uses that provide goods sold directly to consumers, and focusing on the needs of the local neighborhood, including sales of liquor (see note 4, below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Satellite television antennas (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Services, provided directly to consumers, and focusing on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Signs (subject to Chapter 21.41)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Temporary building/trailer (construction) (subject to Section 21.53.110)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Theaters (motion picture or live)—Indoor</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Theaters, stages, amphitheaters—Outdoor</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Thrift shops (subject to Section 21.42.140(B)(150))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
21.31.040 Site development plan for new local shopping centers.
A. A site development plan shall be required for the development of a new local shopping center. The site development plan shall be processed subject to Chapter 21.06 (Q qualified development overlay zone) of this title, as modified by this section.
B. Mandatory Findings of Fact. In addition to the findings set out in Section 21.06.020(b) (Q qualified development overlay zone—findings), no site development plan for a local shopping center shall be approved unless the decision-making authority finds that the site, either by itself or in combination with another adjoining center, will provide the normal range of goods and services to meet the everyday needs of the local neighborhood, in keeping with the intent and purpose of both this zone and the local shopping center general plan designation. For the purpose of this section, “adjoining center” means that the second shopping center either abuts the subject center or is located on property immediately across a common street. (Ord. CS-178 § XXIX, 2012; Ord. NS-765 § 3, 2005)

21.31.050 Redeveloping, remodeling, and expanding existing shopping centers.
A. Except as otherwise provided in this section, a proposal to redevelop, remodel or expand an existing local shopping center shall be processed through a site development plan or a site development plan amendment.
B. Where a site development plan does not exist for an existing center, a site development plan shall first be obtained pursuant to Section 21.31.040.
C. Where a site development plan exists, the proposal shall be processed through an amendment to the site development plan, pursuant to Section 21.54.125.
D. Exceptions. The following are excepted from the need to obtain an amendment to an existing site development plan or for a new site development plan for an existing center that does not have one:
   1. Tenant improvements;
   2. Any one addition of new floor area with a cumulative total of less than one thousand square feet;
3. Any non-floor-area changes to the site design that collectively result in less than a ten percent change to the site, as determined by the city planner. (Ord. CS-178 § XXIX, 2012; Ord. CS-164 § 10, 2011; Ord. NS-765 § 3, 2005)

21.31.060 Special requirements to be addressed in the site development plan.
A site development plan for a local shopping center shall show how each of the following, if applicable, will be developed:

A. Employee eating and outdoor eating areas:
   1. Required eating areas for employees (subject to Section 21.31.080(L));
   2. Food courts or outdoor seating areas, operated in common with or available to the patrons of more than one restaurant, if any;
   3. Restaurants with eating areas located outdoors or within common areas otherwise designated for pedestrian or other traffic, if any;
B. Areas for temporary outdoor display and sales of seasonal items (pumpkins, Christmas trees, etc.);
C. Areas designated for outdoor cooking or barbequing, if any;
D. Kiosks and vending carts, if any;
E. Signs;
F. Recycling facilities;
G. Special events area or public gathering area, if any;
H. Bicycle parking;
I. Shopping cart collection and storage areas; and
J. Access points to the site for pedestrians and internal pedestrian circulation. (Ord. NS-765 § 3, 2005)

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

A. Residential uses shall be located above the ground floor of a multi-storied commercial building with one or more of the nonresidential uses permitted by Section 21.31.030 of this title located on the ground floor.
B. Residential uses shall be subject to the requirements of the chapters of this title, which include but are not limited to, Chapter 21.31, Chapter 21.44, and in the case of airspace subdivisions, Chapter 21.47.
C. At the minimum, residential uses shall be constructed at the RHNA Base density for the residential high (RH) general plan designation of twenty units per acre as described on Table 2 of the general plan land use element, subject to approval of a site development plan processed in accordance with Chapter 21.06 of this title.
   1. Density and yield of residential uses shall be determined consistent with the residential density calculations and residential development restrictions in Section 21.53.230 of this title and shall be based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at least one dwelling unit in a mixed use development.
   2. Residential uses shall be secondary and accessory to the primary commercial use of the site. Compliance with this provision shall be evaluated as part of the site development plan.
D. Residential uses shall include residential care facilities (serving six or fewer persons), supportive housing, and transitional housing. (Ord. CS-249 § XIV, 2014; Ord. CS-191 § XVI, 2012; Ord. CS-172 § XII, 2012)
21.31.070 Limitations on permitted uses.
Every nonresidential use permitted shall be subject to the following conditions and limitations:

A. Conduct Uses in Buildings. All uses shall be conducted wholly within a building, except such uses as gasoline stations, nurseries for sale of plants and flowers, uses set out in Section 21.31.060, and other enterprises customarily conducted in the open or otherwise as identified and permitted in a site development plan. The city planner is authorized to make any necessary interpretations of this subsection;

B. On-Site Manufacture of Goods. Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing of products permitted herein;

C. Storage shall be limited to:
   1. Accessory storage of commodities to be sold at retail on the premises; and

21.31.080 Development standards.
A. Property Size. No site shall be included in the local shopping center zone unless all constituent properties are contiguous, planned as an integrated whole, and aggregate to a minimum of four net acres, if already developed with retail uses, or seven gross acres, if undeveloped or developed with uses other than retail.

B. Building Height.
   1. Except as otherwise provided in this section, no building in the C-L zone shall exceed a height of thirty-five feet, and allowed height protrusions as described in Section 21.46.020 shall not exceed a height of forty-five feet.
   2. Additional building height may be permitted to a maximum of forty-five feet through approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
      a. All required yards shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional yard area will be maintained as landscaped open space; and
      b. The allowed height protrusions as described in Section 21.46.020 do not exceed a height of forty-five feet; with the exception of architectural features such as flagpoles, steeples, or architectural towers, which may be permitted up to fifty-five feet if the decision-making authority finds that the protruding architectural features:
         i. Do not function to provide usable floor area; and
         ii. Do not adversely impact adjacent properties; and
         iii. Are necessary to ensure a building’s design excellence.

C. Yards.
   1. The following yards shall apply to the periphery of a local shopping center unless otherwise established through a prior site development plan approval:

<table>
<thead>
<tr>
<th>Site Property Line is Adjacent to</th>
<th>Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Arterial Road</td>
<td>20 feet</td>
</tr>
<tr>
<td>Secondary Arterial Road</td>
<td>15 feet</td>
</tr>
<tr>
<td>Non-Arterial Road</td>
<td>10 feet</td>
</tr>
<tr>
<td>Not On A Street Frontage</td>
<td>10 feet</td>
</tr>
</tbody>
</table>
2. Protrusions into Yards. The following intrusions only may be permitted within required yards:
   a. Pedestrian walkways;
   b. Landscaping;
   c. Fences or walls;
   d. Approved areas of ingress and egress;
   e. Directional signs and approved monument signs;
   f. Public recreational facilities or outdoor eating areas as authorized in the site development plan;
   g. Architectural projections such as eaves, trellises, sun shades, columns, and buttresses may extend up to three feet into any yard.

D. Landscaping. Landscaping shall be provided pursuant to the City of Carlsbad Landscape Manual and Chapter 21.44 (Parking).

E. Walls and Fences.
   1. A solid masonry wall, six feet in height, shall be constructed along the common lot line with any residentially zoned property, except that the wall shall be forty-two inches in height along that part of the common lot line that bounds the front yard of the residential property.
   2. Other walls and fences up to a height of six feet are permitted except that no wall or fence shall be erected in excess of forty-two inches in height within a yard adjacent to streets. Chain link, barbed wire, razor ribbon or other similar fences are specifically not permitted.

F. Lighting. Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits. Light sources shall be designed to avoid direct or indirect glare to any off-site properties or public rights-of-way.

G. Roof Appurtenances. All roof appurtenances, including air conditioners, shall be architecturally integrated and shielded from view and the sound buffered from adjacent properties and streets, to the satisfaction of the city planner.

H. Trash Enclosures. Trash receptacle areas shall be enclosed by a six-foot-high masonry wall with gates subject to city standards.

I. Loading Areas and Docks. All loading areas shall be oriented and/or screened so as to be unobtrusive from the adjacent streets or properties. Appropriate mitigating measures shall be incorporated to assure that noise from a loading area or dock does not exceed sixty-five dB CNEL at the shopping center's property line.

J. Parking Requirements. Parking shall be provided subject to the provisions of Chapter 21.44 of this title.

K. Employee Eating Areas. Outdoor eating facilities for employees of the center shall be provided, as follows, except as noted below:
   1. A minimum of three hundred square feet of outdoor eating facilities shall be provided for each fifty thousand square feet of floor area, or portion thereof. Credit towards the required amount of floor area will be given for centers in which two or more restaurants share a common, public eating area in a food court or for other public eating area available to all patrons, comprising at least six hundred square feet.
   2. The area shall be easily accessible to the employees of the local shopping center.
   3. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.
   4. The site size, location, landscaping and furniture required above shall be approved as part of the required site development plan, or if no site development plan is required, a plan of the eating area shall be provided to and approved by the city planner.
L. Signs. Signage for sites in the C-L zone that are subject to a site development plan shall be implemented according to a sign program, as established by Section 21.41.060 (sign ordinance) of this title. Signs for sites not subject to a site development plan shall be subject to all other provisions of Chapter 21.41 (sign ordinance).

M. Recycling Areas. Where state law requires a recycling area for beverage containers to be located within the center, said recycling area shall be subject to the provisions of Chapter 21.105 of this title. The location of all recycling areas shall be set out in the site development plan and the parameters of operation shall be called out. (Ord. CS-178 § XXXI, 2012; Ord. CS-164 § 10, 2011; Ord. NS-765 § 3, 2005)

21.31.090 Severability.
If any section, subsection, sentence, clause, phrase or part of this chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall be in full force and effect. The city council hereby declares that it would have adopted this chapter with each section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or parts be declared invalid or unconstitutional. (Ord. NS-765 § 3, 2005)
Chapter 21.32

M INDUSTRIAL ZONE

Sections:
21.32.010 Permitted uses.
21.32.020 Front yard.
21.32.030 Side yards.
21.32.040 Placement of buildings.
21.32.050 Building height.
21.32.060 Employee eating areas.
21.32.070 Emergency shelter.

21.32.010 Permitted uses.
A. In an M zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “offices” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this M Industrial Zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates use is permitted. (See note 1 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 1 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult businesses (subject to Chapters 8.60 and 21.43)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Airports</td>
<td>3</td>
<td></td>
<td></td>
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<tr>
<td>Alcoholic treatment centers</td>
<td>2</td>
<td></td>
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<tr>
<td>Any industrial use not specifically permitted herein may be considered by the city planner</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any use permitted in the C-M zone is permitted in the M zone, except child day care centers</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td>1</td>
<td></td>
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<tr>
<td>Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10)</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>Auto storage/impound yards (i.e., overnight product storage)</td>
<td>2</td>
<td></td>
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</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>Auto wrecking yards (defined: Section 21.04.040)</td>
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<td>2</td>
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<tr>
<td>Automobile painting. All painting, sanding and baking shall be conducted wholly within a building</td>
<td></td>
<td>2</td>
<td>X</td>
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<tr>
<td>Bakeries</td>
<td></td>
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<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td>X</td>
</tr>
<tr>
<td>Body and fender works, including painting</td>
<td>X</td>
<td></td>
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<tr>
<td>Book printing and publishing</td>
<td></td>
<td></td>
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<tr>
<td>Bookbinding</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Bottling plants</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Breweries</td>
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<tr>
<td>Breweries with retail accessory use, including tasting rooms, up to 20% of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see note 2 below)</td>
<td></td>
<td>3</td>
<td></td>
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<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td></td>
<td>2</td>
<td></td>
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<tr>
<td>Clubs—nonprofit, business, civic, professional, etc.) (defined: Section 21.04.090)</td>
<td></td>
<td>1</td>
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<tr>
<td>Columbariums, crematories, and mausoleums (not within a cemetery)</td>
<td></td>
<td>2</td>
<td></td>
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<tr>
<td>Creameries</td>
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<tr>
<td>Dairy products manufacture</td>
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<tr>
<td>Delicatessen (defined: Section 21.04.106)</td>
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<tr>
<td>Draying, freighting or trucking yards or terminals</td>
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<tr>
<td>Drive-thru facilities (excluding restaurants)</td>
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<tr>
<td>Dumps (public) (defined: Section 21.04.110)</td>
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<td></td>
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<tr>
<td>Educational facilities, other (defined: Section 21.04.137)</td>
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<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<td></td>
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<tr>
<td>Electric or neon sign manufacture</td>
<td></td>
<td></td>
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<tr>
<td>Emergency shelter, more than 30 beds or persons (subject to Section 21.32.070; defined Section 21.04.140.5)</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Emergency shelter, no more than 30 beds or persons (subject to Section 21.32.070; defined Section 21.04.140.5)</td>
<td></td>
<td>1</td>
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<tr>
<td>Fairgrounds</td>
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<tr>
<td>Farmworker housing complex, large (subject to Section 21.10.125; defined: Section 21.04.148.3)</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td></td>
<td>3</td>
<td>X</td>
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<tr>
<td>Feed and fuel yards</td>
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<tr>
<td>Food products manufacture, storage and process of, except lard, pickles, sauerkraut, sausage or vinegar</td>
<td></td>
<td>X</td>
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<tr>
<td>Fruit and vegetable canning, preserving and freezing</td>
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<tr>
<td>Fruit packing houses</td>
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<tr>
<td>Furniture manufacture</td>
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<td>Garment manufacturers</td>
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<tr>
<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
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<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Hazardous waste facility (subject to Section 21.42.140(B)(75); defined: Section 21.04.167)</td>
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<tr>
<td>Hospitals (defined: Section 21.04.170)</td>
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<tr>
<td>Hospitals (mental) (defined: Section 21.04.175)</td>
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<tr>
<td>Ice and cold storage plants</td>
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<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>Kennels (defined: Section 21.04.195)</td>
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<td>Lumber yards</td>
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<tr>
<td>Machine shops</td>
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<tr>
<td>Manufacture of prefabricated buildings</td>
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<tr>
<td>Mills, planing</td>
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<tr>
<td>Mini-warehouses/self storage</td>
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<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<td>Mortuaries</td>
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<td>Newspaper/periodical printing and publishing</td>
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<tr>
<td>Oil and gas facilities (on-shore) (subject to Section 21.42.140(B)(95))</td>
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<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
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<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
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<td>1</td>
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<tr>
<td>Pawnshops (subject to Section 21.42.140(B)(105))</td>
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<td>Plastics, fabrication from</td>
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<tr>
<td>Public/quasi-public buildings and facilities (defined: Section 21.04.297)</td>
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<td>Racetracks</td>
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<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
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<td>Recreation facilities</td>
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<tr>
<td>Recreational vehicle storage (subject to Section 21.42.140(B)(120); defined: Section 21.04.299)</td>
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<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105; defined: Section 21.105.015)</td>
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<tr>
<td>Recycling collection facilities, small (subject to Chapter 21.105; defined: Section 21.105.015)</td>
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<tr>
<td>Recycling process/transfer facility</td>
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<tr>
<td>Rubber, fabrication of products made from finished rubber</td>
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<tr>
<td>Satellite antennae (&gt;1 per use) (defined: Section 21.04.302)</td>
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<tr>
<td>Satellite television antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
<td>X</td>
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<tr>
<td>Sheet metal shops</td>
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<tr>
<td>Shoe manufacturing</td>
<td>X</td>
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<tr>
<td>Signs (subject to Chapter 21.41)</td>
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<td>X</td>
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<tr>
<td>Soap manufacture, cold mix only</td>
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<td>X</td>
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<tr>
<td>Stadiums</td>
<td></td>
<td>3</td>
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<tr>
<td>Stone monument works</td>
<td>X</td>
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<tr>
<td>Tattoo parlors (subject to Section 21.42.140(B)(140))</td>
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<td>3</td>
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<tr>
<td>Textile manufacture</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thrift shops (subject to Section 21.42.140(B)(150))</td>
<td>X</td>
<td></td>
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<tr>
<td>Tire rebuilding, recapping and retreading</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Transit passenger terminals (bus and train)</td>
<td></td>
<td>2</td>
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<tr>
<td>Transit storage (ex. rolling stock)</td>
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<tr>
<td>Truck steam cleaning equipment</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
<td></td>
<td>1 / 2</td>
<td></td>
</tr>
</tbody>
</table>
Notes:
1. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.
2. The retail use shall be accessory to the permitted use and wholly contained within the building. All products for retail sale shall be produced, distributed, and/or warehoused on the premises. No outdoor display of merchandise or retail sales shall be permitted unless customarily conducted in the open. Parking for the accessory retail use shall be determined based on the parking requirement for the primary use pursuant to CMC Chapter 21.44.


21.32.020 Front yard.
Any building structure, or any part thereof in an M zone shall have a front yard only when any one or more of the following conditions apply:
(1) If the premises is devoted to an “R” use in the M zone, the depth of the front yard shall conform to the front yard requirements in the R-3 zone;
(2) When property classified for “M” purposes comprises part of the frontage in a block on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for “R” purposes, the front yard in such M zone shall conform to the front yard required in the R-3 zone;
(3) A front yard shall be provided as may be required by a precise plan, variance or conditional use permit. (Ord. 9060 § 1301)

21.32.030 Side yards.
Every lot in an M zone, when used for “C” or “M” purposes, need provide no side yards except such as may be incorporated in a precise plan or in a conditional use permit or variance. (Ord. 9060 § 1302)

21.32.040 Placement of buildings.
No building shall be erected closer than ten feet to the rear lot line of any lot zoned for “C” or “M” purposes when such lot abuts upon property classified for “R” purposes and no alley intervenes.
Any building located on an alley and having an opening used as a means of access from such alley shall maintain a distance of not less than five feet from such alley. (Ord. 9060 § 1303)

21.32.050 Building height.
A. Except as otherwise provided in this section, no building in the M zone shall exceed a height of thirty-five feet, and allowed height protrusions as described in Section 21.46.020 shall not exceed a height of forty-five feet.
B. Building height above thirty-five feet may be permitted, subject to the following:
1. Building height up to a maximum of forty-five feet may be permitted through approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
   a. The project complies with the provisions of subsection B.3 of this section.
   b. The allowed height protrusions as described in Section 21.46.020 do not exceed a height of forty-five feet; with the exception of architectural features such as flagpoles, steeples or architectural towers, which may be permitted up to fifty-five feet if the decision-making authority makes the specific findings that the protruding architectural features:
      i. Do not function to provide usable floor area;

861
ii. Do not accommodate and/or screen building equipment;
iii. Do not adversely impact adjacent properties; and
iv. Are necessary to ensure a building’s design excellence.

2. Building height above forty-five feet may be permitted through approval of a site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
   a. The project complies with the provisions of subsection B.3 of this section.
   b. The allowed height protrusions, as described in Section 21.46.020, do not exceed the height authorized by the decision-making authority.
   c. The decision-making authority finds that:
      i. The height of the building(s) will not adversely affect surrounding properties; and
      ii. The building(s) will not be unduly disproportional to other buildings in the area.

3. All required setbacks shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional setback area will be maintained as landscaped open space. (Ord. CS-178 § XXXII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-240 § 7, 1993; Ord. NS-180 § 21, 1991; Ord. 9753 § 1, 1985; Ord. 9060 § 1304)

21.32.060 Employee eating areas.
Outdoor eating facilities for employees shall be provided outside all industrial/office buildings containing more than five thousand square feet, as follows, except as noted below:

(1) A minimum of three hundred square feet of outdoor eating facilities shall be provided for each five thousand square feet of building area. Credit towards the required amount of square footage will be given for indoor eating facilities on a 1:1 basis, as determined by the city planner.

(2) The area shall be easily accessible to the employees of the building.

(3) The area shall be located such that a sense of privacy is apparent.

(4) The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.

(5) The site size, location, landscaping and furniture required above shall be approved as part of the required discretionary action (tentative map, site development plan, planned unit development, etc.) required under this title.

   If no discretionary permit is required, a site plan showing the location, landscaping and facilities required above shall be submitted to the city planner for approval prior to the issuance of any building permits.

(6) This section shall not apply to industrial/office buildings which are located within one thousand feet of an approved mini-park or a city park which is accessible by walking as determined by the city planner. (Ord. CS-178 § XXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. 9786 § 1, 1986)

21.32.070 Emergency shelter.
A. The purpose of this section is to establish standards to ensure that the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses and the character of the City of Carlsbad.

B. No individual shall be denied emergency shelter because of an inability to pay.

C. Emergency shelters shall be operated under the authority of a governing agency or private, nonprofit organization that provides, or that contracts with recognized community organizations to provide, emergency shelters and which, when required by law, are properly registered and licensed.
D. State laws and regulations. Emergency shelters shall comply with the latest California Health and Safety Codes.

E. Emergency shelters shall comply with all property development standards of the zone in which they are located in addition to the following development standards.
   1. Location. No emergency shelter shall be located:
      a. Immediately adjacent to any residentially zoned property;
      b. Within three hundred feet of another emergency or similar shelter.
   2. Maximum Number of Beds or Persons. No more than thirty beds shall be provided and no more than thirty persons shall be served in any single emergency shelter, except as authorized by a conditional use permit approved by the city council pursuant to Chapter 21.42.
   3. Parking. Parking shall be as required by Chapter 21.44.
   4. Building and premises. Each emergency shelter shall include, at a minimum, the following:
      a. Adequate interior and exterior lighting;
      b. Adequate indoor client intake/waiting area if client intake is to occur on-site. If an exterior waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent queuing into the public right-of-way and required parking and access;
      c. Clean sanitary beds and sanitation facilities, including showers and toiletries;
      d. Segregated sleeping, lavatory and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families;
      e. Individual lockers to allow shelter clients to secure their private possessions while using the shelter.

F. Management. At least one facility manager shall be on-site at all hours the facility is open. Additional support staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.

G. No person shall be allowed to camp on the premises or sleep on the premises outside of the shelter building.

H. Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:
   1. Central cooking and dining room(s);
   2. Recreation areas, indoor and/or outdoors;
   3. Laundry facilities for clients to wash their clothes;
   4. Intake and administrative offices;
   5. Counseling and other supportive services. (Ord. CS-190 § V, 2012)
Chapter 21.33

O-S OPEN SPACE ZONE

Sections:
21.33.010 Intent and purpose.
21.33.015 Carlsbad State Beach.
21.33.020 Permitted uses.
21.33.045 Open space preserved in conformance with the habitat management plan.
21.33.050 Lot area, minimum.
21.33.060 Building height.

21.33.010 Intent and purpose.
The intent and purpose of the O-S zone is to:
1. Provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community;
2. Protect and encourage said uses wherever feasible;
3. Be used in conjunction with publicly owned property utilized as parks, open space, recreation areas, civic centers and other public facilities of a similar nature;
4. Designate high priority resource areas at time of development that, when combined would create a logical and comprehensive open space system for the community;
5. Implement the goals and objectives of the general plan;
6. Protect areas set-aside and preserved as natural habitat and the biological resources located in the areas in conformance with the city's habitat management plan. (Ord. NS-783 § 2, 2006; Ord. 9385 § 2, 1974)

21.33.015 Carlsbad State Beach.
Developments on Carlsbad State Beach will require permits subject to the requirements of the certified local coastal program. The local coastal program certified a coastal shoreline development overlay zone applicable to Carlsbad State Beach. It also established policies for the overall master plan for the area. (Ord. NS-365 § 2, 1996)

21.33.020 Permitted uses.
A. In an O-S zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
D. A use category may be general in nature, where more than one particular use fits into the general category (e.g., in some commercial zones "office" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this O-S open space zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.
Table A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates use is permitted. (See note 1 below)

“CUP” indicates use is permitted with approval of a conditional use permit. (See note 1 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Athletic fields</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Barbecue and fire pits</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Beaches and shoreline recreation, public</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Bicycle paths</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td></td>
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<tr>
<td>Cemeteries (may include accessory mausoleums and columbariums)</td>
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</tr>
<tr>
<td>Changing rooms</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>City picnic areas</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>City playgrounds</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Clubhouses</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Cultural activities and facilities</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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</tr>
<tr>
<td>Entertainment activities and facilities</td>
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</tr>
<tr>
<td>Fairgrounds</td>
<td></td>
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<tr>
<td>Fallow lands</td>
<td></td>
<td></td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</td>
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</tr>
<tr>
<td>Fencing</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>Field and seed crops</td>
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<td>X</td>
</tr>
<tr>
<td>Golf courses</td>
<td></td>
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<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
<td></td>
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</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B))</td>
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<tr>
<td>Horse trails</td>
<td></td>
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<td>X</td>
</tr>
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<td>Horticultural crops</td>
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<tr>
<td>Marinas</td>
<td></td>
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<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<tr>
<td>Open space and conservation easements</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Orchards and vineyards</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Other similar accessory uses and structures required for the conduct of the permitted uses</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Packing/sorting sheds (600 square feet maximum)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<tr>
<td>Park, public (subject to Section 21.42.140(B)(100))</td>
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<td>2</td>
</tr>
<tr>
<td>Parking areas</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### 21.33.045 Open space preserved in conformance with the habitat management plan.

**A.** Notwithstanding Section 21.33.020 of this chapter, no development, uses, structures or activities shall be permitted in areas zoned for open space which have been set-aside and preserved for natural habitat in conformance with the city’s habitat management plan except as provided below:

1. Activities related to the management, maintenance and biological monitoring of the habitat by the managing entity as required by the habitat management plan and city and other regulatory

---

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pasture and rangeland</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patios</td>
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<tr>
<td>Picnic areas (private)</td>
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</tr>
<tr>
<td>Playground equipment</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playgrounds (private) (see note 2 below)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Pool filtering equipment</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public access easement, nonvehicular</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Public lands</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Public restrooms</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Recreation facilities</td>
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<td></td>
<td></td>
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<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105; defined: Section 21.105.015)</td>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>Recycling collection facilities, small (subject to Chapter 21.105 of this title; defined: Section 21.105.015)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Scenic easements</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td></td>
<td>X</td>
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<tr>
<td>Slope easements</td>
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<td></td>
</tr>
<tr>
<td>Stables/riding academies</td>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>Stadiums</td>
<td></td>
<td>3</td>
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</tr>
<tr>
<td>Stairways</td>
<td></td>
<td></td>
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<tr>
<td>Swimming pools (see note 2 below)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Tennis courts</td>
<td></td>
<td>1</td>
<td></td>
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<tr>
<td>Theaters, stages, amphitheaters—outdoor</td>
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</tr>
<tr>
<td>Transportation rights-of-way</td>
<td>X</td>
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</tr>
<tr>
<td>Tree farms</td>
<td>X</td>
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<tr>
<td>Truck crops</td>
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<td></td>
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<tr>
<td>Vista points</td>
<td>X</td>
<td></td>
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<tr>
<td>Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))</td>
<td></td>
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<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
<td></td>
<td>1/2</td>
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</tr>
<tr>
<td>Zoos (private) (subject to Section 21.42.140(B)(170)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

### Notes:

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

2. A conditional use permit is required unless the use is permitted in conjunction with another permit such as a Master Plan, Specific Plan, or Planned Development.

agency permits and approved by the wildlife agencies in the habitat management plan and/or MHCP in order to preserve and protect the property for natural habitat purposes. Fuel modification activities are not allowed within the preserve areas;

2. Planting and maintaining of locally native trees, shrubs and other native landscaping elements in order to restore or enhance the habitat area as required by the habitat management plan and city and other regulatory agency permits and approved by the wildlife agencies in the habitat management plan and/or MHCP including the appurtenances necessary to maintain the native landscaping placed thereon;

3. Trails which are approved as part of the citywide trail program and which are located in conformance with city and other regulatory agency permits and are consistent with the habitat management plan and MHCP Volume I, Section 6.3.8 for public access, and approved by the wildlife agencies;

4. Passive recreation uses such as hiking, picnicking and bird-watching if allowed by the city and other regulatory agency permits and approved by the wildlife agencies;

5. Existing utility easements;

6. Additional easements, subject to approval of the wildlife agencies, that are consistent with the preservation of the natural condition of the property, do not impair or interfere with the conservation values of the property and do not compromise the overall levels of conservation in the preserve or adversely affect preserve and species goals;

7. Fencing as required by the managing entity and which does not adversely affect wildlife movement and approved by the wildlife agencies;

8. Signing which identifies the property as a habitat preserve and informs persons of the nature and restrictions on the property and approved by the wildlife agencies; and

9. Other, minor ancillary uses or structures which have been specifically approved as part of the habitat management plan or as allowed by city or other regulatory agency permits and approved by the wildlife agencies. Ancillary structures that are specific to a project development, such as storm drains or detention basins, shall be allowed outside the preserve (any exceptions shall follow the appropriate process for a boundary adjustment).

B. A conservation easement shall be placed on all open space areas set-aside and preserved as natural habitat in conformance with the habitat management plan. The conservation easement shall ensure that the property will be preserved in perpetuity and will be managed and maintained for its natural habitat value. The easement shall specifically list all allowable and prohibited open space uses. (Ord. NS-783 § 3, 2006)

21.33.050 Lot area, minimum.
There shall be no minimum lot area established for the O-S zone district. The size of the lot shall be dependent upon the existing or proposed use. (Ord. 9385 § 2, 1974)

21.33.060 Building height.
No building or structure in the O-S zone district shall exceed twenty-five feet in height unless a higher elevation is approved by a minor conditional use permit issued by the city planner. (Ord. CS-224 § XXX, 2013; Ord. NS-180 § 22, 1991; Ord. 9385 § 2, 1974)
Chapter 21.34

P-M PLANNED INDUSTRIAL ZONE

Sections:

21.34.010 Intent and purpose.
21.34.020 Permitted uses.
21.34.050 Minor site development plan required.
21.34.070 Development standards.
21.34.080 Design criteria.
21.34.090 Performance standards.
21.34.120 Final map.
21.34.130 Final planned industrial development plan.
21.34.140 Certification of occupancy.
21.34.150 Maintenance.
21.34.160 Failure to maintain.


21.34.010 Intent and purpose.
The intent and purpose of this chapter is to accomplish the following:

(1) a. For properties located within the boundaries of the coastal zone: Allow the location of business and light industries engaged primarily in research and/or testing, compatible light manufacturing, business and professional offices when in engaged in activities associated with corporate offices or in activities whose primary purpose is not to cater directly to the general public, and certain commercial uses which cater to and are ancillary to the uses allowed in this zone; or
b. For properties located outside the boundaries of the coastal zone: Allow the location of business and light industries engaged primarily in research and/or testing, compatible light manufacturing, and business and professional offices; allow certain commercial/retail uses which cater to, support, or are accessory to the uses allowed in this zone; and allow flexibility for other select uses (i.e., athletic clubs/gyms, churches, daycare centers, recreation facilities, etc.) when found to be compatible with the P-M zone through the issuance of a conditional use permit;

(2) Promote an attractive and high-quality design in developments which upgrades the city's natural environment and identity;

(3) Provide for the phasing of development which is coordinated with the development of public improvements and services;

(4) Encourage reduced energy consumption by building design and by allowing, in certain cases, compatible residential development which provides housing for employees of this zone;

(5) Provide for alternative transportation modes for employees of this zone by a combination of bus facilities, ride-share programs, and pedestrian and bicycle circulation systems. (Ord. CS-225 § X, 2013; Ord. CS-224 § XXXI, 2013; Ord. 9693 § 1, 1983)

21.34.020 Permitted uses.
A. In a P-M zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “offices” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this P-M zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.

Table A

Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates use is permitted. (See note 2 below)
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 2 below)
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses and structures where related and incidental to a permitted use</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Accountants (see note 1 below)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Administrative offices associated with and accessory to a permitted use</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Administrative offices (see note 1 below)</td>
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<tr>
<td>Adult businesses (subject to Chapters 8.60 and 21.43)</td>
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</tr>
<tr>
<td>Advertising agencies (see note 1 below)</td>
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<tr>
<td>Advertising—direct mail (see note 1 below)</td>
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<td>X</td>
</tr>
<tr>
<td>Agricultural consultants (see note 1 below)</td>
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</tr>
<tr>
<td>Air courier service (see note 1 below)</td>
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</tr>
<tr>
<td>Airlines offices, general offices (see note 1 below)</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>Airports</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic treatment centers</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>Answering bureaus (see note 1 below)</td>
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<td>X</td>
</tr>
<tr>
<td>Appraisers (see note 1 below)</td>
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<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td>1</td>
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<td></td>
</tr>
<tr>
<td>Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arbitrators (see note 1 below)</td>
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</tr>
<tr>
<td>Architect design and planners (see note 1 below)</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses</td>
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<td></td>
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</tr>
<tr>
<td>Attorney (no legal clinics) (see note 1 below)</td>
<td></td>
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<tr>
<td>Attorney services (see note 1 below)</td>
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<tr>
<td>Audio-visual services (see note 1 below)</td>
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<tr>
<td>Auto storage/impound yards (i.e., overnight product storage)</td>
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<tr>
<td>Auto wrecking yards (defined: Section 21.04.040)</td>
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<tr>
<td>Banks and other financial institutions without drive-thru facilities</td>
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<tr>
<td>Billing service (see note 1 below)</td>
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<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
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<tr>
<td>Blueprinters (see note 1 below)</td>
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</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>CUP</td>
<td>Acc</td>
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<td>-------------------------------------------------------------------</td>
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<td>-----</td>
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<td>Book printing and publishing</td>
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<tr>
<td>Bookbinding</td>
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</tr>
<tr>
<td>Bookkeeping service (see note 1 below)</td>
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<tr>
<td>Breweries with retail accessory use, including tasting rooms, up to 20% of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see note 3 below)</td>
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<td>Building designers (see note 1 below)</td>
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<td>Building inspection service (see note 1 below)</td>
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<td>Burglar alarm systems (see note 1 below)</td>
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<td>Business consultants (see note 1 below)</td>
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<tr>
<td>Business offices for professional and labor organizations (see note 1 below)</td>
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<td></td>
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<tr>
<td>Child day care center (subject to Chapter 21.83) (defined: Section 21.04.086)</td>
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<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Civil engineers (see note 1 below)</td>
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<td></td>
</tr>
<tr>
<td>Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)</td>
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<td></td>
</tr>
<tr>
<td>Collection agencies (see note 1 below)</td>
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</tr>
<tr>
<td>Columbariums, crematories, and mausoleums (not within a cemetery)</td>
<td>2</td>
<td></td>
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<tr>
<td>Commercial artists (see note 1 below)</td>
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<tr>
<td>Commodity brokers (see note 1 below)</td>
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</tr>
<tr>
<td>Communications consultants (see note 1 below)</td>
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</tr>
<tr>
<td>Computer programmers (see note 1 below)</td>
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<td>Computer service (time-sharing)</td>
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<td>Computer systems (see note 1 below)</td>
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<td>Corporate travel agencies and bureaus (see note 1 below)</td>
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<td>Credit rating service (see note 1 below)</td>
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<td>Data communication service (see note 1 below)</td>
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<td>Data processing service (see note 1 below)</td>
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<td>Diamond and gold brokers (see note 1 below)</td>
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<td>Display services (see note 1 below)</td>
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<td>Drive-thru facilities (excluding restaurants)</td>
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<td>Economics research (see note 1 below)</td>
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<td>Educational consultants (see note 1 below)</td>
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<td>Educational facilities, other (defined: Section 21.04.137)</td>
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<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
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<td>Educational research (see note 1 below)</td>
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<td>Electric contractors (sales and administrative offices only) (see note 1 below)</td>
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<td>Electronics consultants (see note 1 below)</td>
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<td>Emergency shelter, more than 30 beds or persons (subject to Section 21.32.070) (defined Section 21.04.140.5)</td>
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<td>Emergency shelter, no more than 30 beds or persons (subject to Section 21.32.070) (defined Section 21.04.140.5)</td>
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<td>Export consultants (see note 1 below)</td>
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<td>Fairgrounds</td>
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<td>Farmworker housing complex, small (subject to Section 21.10.125)</td>
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<td>Financial planners and consultants (see note 1 below)</td>
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<td>Fire protection consultants (see note 1 below)</td>
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<td>Foreclosure assistance (see note 1 below)</td>
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<td>Foundation-educational research (see note 1 below)</td>
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<td>Franchise services (see note 1 below)</td>
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<td>Fund-raising counselors (see note 1 below)</td>
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<td>Gas stations (subject to Section 21.42.140(B)(65))</td>
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<td>Gemologists (see note 1 below)</td>
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<td>General contractors (no equipment storage permitted) (see note 1</td>
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<td>Geophysicists (see note 1 below)</td>
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<td>Government contract consultants (see note 1 below)</td>
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<td>Government facilities and offices</td>
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<td>Governmental agencies (general and administrative offices only)</td>
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<td>Graphics designers (see note 1 below)</td>
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<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70)</td>
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<td>Hazardous waste facility (subject to Section 21.42.140(B)(75);</td>
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<td>Hospitals (mental) (defined: Section 21.04.175)</td>
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<td>Hotels and motels (subject to Section 21.42.140(B)(80))</td>
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<td>Human factors research and development (see note 1 below)</td>
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<td>Industrial medical (workers comp.) (see note 1 below)</td>
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<td>Insurance companies (administrative offices only) (see note 1</td>
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<td>Interior decorators and designers (no merchandise storage</td>
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<td>Investors (see note 1 below)</td>
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<td>Labor relations consultants (see note 1 below)</td>
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<td>Leasing services (see note 1 below)</td>
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<td>Lecture bureaus (see note 1 below)</td>
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<td>Mailing list service (see note 1 below)</td>
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<td>Management consultants (see note 1 below)</td>
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<td>Manufacturers agents (see note 1 below)</td>
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<td>Manufacturing and processing facilities</td>
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<td>Marketing research and analysis (see note 1 below)</td>
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<td>Message receiving service (see note 1 below)</td>
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<td>Mini-warehouses/self storage</td>
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<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<td>Mutual funds (see note 1 below)</td>
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<td>Newspaper/periodical printing and publishing</td>
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<td>Oil and gas facilities (on-shore) (subject to Section 21.42.140(B)(95))</td>
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<td>On-site recreational facilities intended for the use of employees of the planned industrial zone</td>
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<tr>
<td>Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)</td>
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<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
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<td>Parking facilities (primary use) (i.e., day use, short-term, nonstorage)</td>
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<tr>
<td>Patent searchers (see note 1 below)</td>
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<td>Pension and profit sharing plans (see note 1 below)</td>
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<td>Personal service bureau (see note 1 below)</td>
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<td>Photographic (industrial and commercial only) (see note 1 below)</td>
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<td>Printing services (see note 1 below)</td>
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<td>Product development and marketing (see note 1 below)</td>
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<tr>
<td>Public meeting halls, exhibit halls, and museums</td>
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<td>Public relations services (see note 1 below)</td>
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<td>Public utility companies (see note 1 below)</td>
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<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
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<td>Publicity services (see note 1 below)</td>
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<td>Publishers representatives (see note 1 below)</td>
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<td>Radio communications (see note 1 below)</td>
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<td>Radio/television/microwave/broadcast tower</td>
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<td>Real estate brokers (commercial and industrial only) (see note 1 below)</td>
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<td>Real estate developers (see note 1 below)</td>
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<td>Recording service (see note 1 below)</td>
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<td>Recreation facilities</td>
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<td>Recreational vehicle storage (subject to Section 21.42.140(B)(120); defined: Section 21.04.299)</td>
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<td>Recycling collection facilities, large (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)</td>
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<td>Recycling collection facilities, small (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)</td>
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<tr>
<td>Recycling process/transfer facility</td>
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<tr>
<td>Relocation service (see note 1 below)</td>
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<tr>
<td>Repossessing service (see note 1 below)</td>
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<td>Research and testing facilities</td>
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<td>Research labs (see note 1 below)</td>
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<td>Residential uses in P-M Zone (subject to Section 21.42.140(B)(135))</td>
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</tbody>
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Use | P | CUP | Acc
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Restaurants (bona fide public eating establishment; defined: Section 21.04.056) | 1 | | |
Retail, accessory use, including tasting/sampling rooms, showrooms, miscellaneous retail, up to 20% of the gross floor area of the building or suite (as applicable) or 2,000 square feet, whichever is less (see note 3 below) | 1 | | |
Retail, primary use (see note 4 below) | 2 | | |
Retirement planning consultants (see note 1 below) | X | | |
Safety consultants (see note 1 below) | X | | |
Sales training and counseling (see note 1 below) | X | | |
Satellite antennae (>1 per use) (defined: Section 21.04.302) | 1 | | X
Satellite television antennae (subject to Section 21.53.130—21.53.150; defined: Section 21.04.302) | | | X
Searchers of records (see note 1 below) | X | | |
Securities systems (see note 1 below) | X | | |
Security firms (see note 1 below) | X | | |
Signs (subject to Chapter 21.41) | | X |
Sound system consultants (see note 1 below) | X | | |
Space planning consultants (see note 1 below) | X | | |
Space research and developments (see note 1 below) | X | | |
Stadiums | 3 | | |
Stock and bond brokers (see note 1 below) | X | | |
Storage, wholesale, and distribution facilities | X | | |
Surveyors (see note 1 below) | X | | |
Tax service and consultants (see note 1 below) | X | | |
Telephone cable companies (see note 1 below) | X | | |
Telephone systems (see note 1 below) | X | | |
Title companies (see note 1 below) | X | | |
Tour operators (see note 1 below) | X | | |
Trademark consultants (see note 1 below) | X | | |
Transit passenger terminals (bus and train) | 2 | | |
Translators and interpreters (see note 1 below) | X | | |
Trust companies (see note 1 below) | X | | |
Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378) | 1 | | |
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160)) | 2 | | |
Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379) | 1 / 2 | | |

Notes:
1. Business and professional offices which are primarily not retail in nature and are compatible with the industrial uses in the vicinity.
2. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of this code, shall be subject to the requirements of CMC Chapter 8.09.
3. The retail use shall be accessory to the permitted use and wholly contained within the building. All products for retail sale shall be produced, distributed, and/or warehoused on the premises. No outdoor display of merchandise or retail sales shall be permitted unless customarily conducted in the open. Parking for the accessory retail use shall be determined based on the parking requirement for the primary use pursuant to CMC Chapter 21.44.
4. A primary retail use shall cater to or support the industrial and office uses in the P-M zone.

21.34.050 Minor site development plan required.
A. No development in the P-M zone shall be done without first obtaining approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title; except that notice of the application for a minor site development plan, required pursuant to Section 21.06.060 of this title, shall not be required for development in the P-M zone, unless the application includes a request to exceed the permitted building height pursuant to Section 21.34.070.A of this chapter.
B. If the applicant contemplates the construction of the project in phases, the minor site development plan application shall so state and shall include a proposed phasing schedule. (Ord. CS-178 § XXXV, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 31, 32, 76, 2003; Ord. 9758 § 6, 1985; Ord. 9693 § 1, 1983)

21.34.070 Development standards.
All industrial projects shall comply with the following development standards:
A. Building Height.
   1. Except as otherwise provided in this section, no building in the P-M zone shall exceed a height of thirty-five feet, and allowed height protrusions as described in Section 21.46.020 shall not exceed a height of forty-five feet.
   2. Building height above thirty-five feet may be permitted subject to the following:
      a. Building height up to a maximum of forty-five feet may be permitted through approval of a minor site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
         i. The project complies with the provisions of subsection A.2.c of this section; and
         ii. The allowed height protrusions as described in Section 21.46.020 do not exceed a height of forty-five feet; with the exception of architectural features such as flagpoles, steeples or architectural towers, which may be permitted up to fifty-five feet if the decision-making authority makes the specific findings that the protruding architectural features:
            (A) Do not function to provide usable floor area;
            (B) Do not accommodate and/or screen building equipment;
            (C) Do not adversely impact adjacent properties; and
            (D) Are necessary to ensure a building’s design excellence.
      b. Building height above forty-five feet may be permitted through approval of a site development plan processed in accordance with the provisions of Chapter 21.06 of this title, provided that:
         i. The project complies with the provisions of subsection A.2.c of this section.
         ii. The allowed height protrusions as described in Section 21.46.020 do not exceed the height authorized by the decision-making authority.
         iii. The decision-making authority finds that:
            (A) The height of the building(s) will not adversely affect surrounding properties; and
            (B) The building(s) will not be unduly disproportional to other buildings in the area.
      c. All required setbacks shall be increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet. The additional setback area shall be maintained as landscaped open space.
B. Setbacks.
   1. Front Yard and Side Street Yard on Prime, Major and Secondary Streets. Every lot in the P-M zone that has a front yard or side street yard facing on a prime, major or secondary street shall
have a minimum setback of fifty feet. This setback shall be measured from the right-of-way line. This setback shall be entirely landscaped and irrigated; however, upon approval of the city planner, the landscaped portion of the setback may be reduced to thirty-five feet to accommodate a driveway along the portion of the setback farthest from the right-of-way or private street. Any driveway within the front yard setback shall be screened from the public or private street by a mixture of mounding and landscaping to the satisfaction of the city planner.

2. Front Yard and Street Side Yard on Collector, Local and Private Streets. Every lot in the P-M zone that has a front yard or side street yard facing on a collector, local or private street shall have an average setback of thirty-five feet; however, the setback shall not be less than twenty-five feet. This setback shall be entirely landscaped and irrigated and shall be measured from the right-of-way line or, in the case of a private street, from the curb line.

3. Side Yard—Interior. All interior side yards shall have a minimum setback of ten feet which shall be entirely landscaped and irrigated.

4. Rear Yard. The rear yard setback shall be a minimum of twenty feet of which at least ten feet adjacent to the rear property line shall be entirely landscaped and irrigated.

5. Walls and Fences. A wall or fence located in any part of a required setback area shall not exceed six feet in height. A wall or fence located in any required front setback or side street area shall not exceed thirty-six inches in height.

6. Landscaping in Parking Areas. A minimum of ten percent of the required parking area, inclusive of driveways, shall be landscaped subject to the approval of the city planner. Landscaping in the building setback areas shall not count towards meeting this requirement.

7. Minimum Lot Area. Except for developments proposed as condominiums or planned unit developments, each lot shall have a minimum lot area of one acre. However, the decision-making authority for the subdivision map may permit a reduction in the minimum lot area requirement if it is found that the reduced lot area is necessary for the development of a comprehensively planned project requiring a minor site development plan pursuant to this chapter and that the reduction of the lot area does not create adverse impacts to surrounding properties.

8. Lot Coverage. All buildings, including accessory building structures, shall cover not more than fifty percent of the area of a lot. Open parking areas shall not be counted in determining lot coverage.

9. Private Streets. Private streets may be permitted within a project requiring a minor site development plan pursuant to this chapter provided their width and geometric design are related to the function, topography and needs of the development, and their structural design, pavement and construction comply with the requirement of the city’s street improvement standards and further provided that the permit is processed concurrently with a subdivision map. The width of private streets shall not be less than the minimum standards of this subsection. Pavement between curbs of private streets shall not be less than the following:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Minimum Width Curb to Curb</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 lanes, no parking</td>
<td>32 feet</td>
</tr>
<tr>
<td>2 lanes, parking one side</td>
<td>42 feet</td>
</tr>
<tr>
<td>2 lanes, parking on both sides</td>
<td>52 feet</td>
</tr>
</tbody>
</table>

C. Employee Eating Areas. Outdoor eating facilities for employees shall be provided outside all industrial/office buildings containing more than five thousand square feet, as follows, except as noted below:

1. A minimum of three hundred square feet of outdoor eating facilities shall be provided for each five thousand square feet of building area. Credit towards the required amount of square footage will be given for indoor eating facilities on a 1:1 basis, as determined by the city planner.

2. The area shall be easily accessible to the employees of the building.

3. The area shall be located such that a sense of privacy is apparent.
4. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.

5. The site size, location, landscaping and furniture required above shall be approved as part of the required minor site development plan required under this title. If no discretionary permit is required, a site plan showing the location, landscaping and facilities required above shall be submitted to the city planner for approval prior to the issuance of any building permits.

6. This section shall not apply to industrial/office buildings which are located within one thousand feet of an approved mini-park or a city park which is accessible by walking as determined by the city planner. (Ord. CS-178 § XXXVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. NS-240 § 8, 1993; Ord. NS-180 § 23, 1991; Ord. 9786 § 1, 1986; Ord. 9693 § 1, 1983)

21.34.080 Design criteria.
All industrial projects shall comply with the following design criteria:

(1) The overall plan shall be comprehensive, imaginative and innovative, embracing land, buildings, landscaping and their relationships, and shall conform to adopted plans of all governmental agencies for the area in which the proposed development is located.

(2) The plan shall provide for adequate open space, circulation, off-street parking and other pertinent amenities. Buildings, structures and facilities in the parcel shall be well integrated, oriented and related to the topographic and natural landscape features of the site.

(3) The proposed development shall be compatible with existing and planned surrounding land uses and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the community.

(4) The internal street system shall not be a dominant feature in the overall design; rather, it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of the development.

(5) The design of buildings and surrounding environment shall be architecturally integrated and compatible with each other.

(6) Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with the surrounding building design.

(7) Building placement shall be designed to create opportunities for plazas or other landscaped open spaces within the project. (Ord. 9693 § 1, 1983)

21.34.090 Performance standards.
All industrial uses shall comply with the following performance standards:

(1) The maximum allowable exterior noise level of any use shall not exceed sixty-five L_{eq} as measured at the property line. Where a structure is occupied by more than one use, the noise level shall not be in excess of 45 L_{eq} as measured within the interior space of the neighboring establishment. Noise caused by motor vehicles traveling to and from the site are exempt from this standard.

(2) All uses shall be operated so as not to emit matter causing unpleasant odors which are perceptible to the average person while within or beyond the lot containing such uses.

(3) All uses shall be so operated as not to generate vibration discernible without instruments by the average person while on or beyond the lot upon which the source is located or within an adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains and temporary construction is exempted from this standard.

(4) All uses shall be operated so as not to produce humidity, heat, glare or high-intensity illumination which is perceptible without instruments by the average person while on or beyond the lot containing the use.
(5) All uses shall meet the air quality standards of the San Diego County Air Quality Control Board (AQCB). In addition, all uses shall be operated so as not to emit particulate matter or air contaminants which are readily detectable without instruments by the average person while on the lot containing such uses.

(6) All manufacturing, assembling, compounding, fabrication, packaging, processing and treating operations shall be conducted entirely within an enclosed building.

(7) All outdoor storage, including equipment, shall be completely enclosed by a solid decorative concrete or masonry wall not less than six feet in height. Any such wall shall be architecturally compatible with the main buildings on the site and shall screen the stored materials from the view of industrially zoned adjoining properties and public streets. If complete visual screening of stored materials is not possible, trees and other plant materials shall be used. Any walls or landscaping used for screening purposes shall be subject to the approval of the city planner.

Outdoor storage shall not be allowed adjacent to non-industrially zoned properties.

(8) All discharge of industrial waste shall be in conformity with the provisions of Chapter 13.16 of this code, as amended. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9693 § 1, 1983)

21.34.120 Final map.
Building permits for construction within any planned industrial development shall not be issued until a final subdivision map or parcel map has been recorded for the property. A final map which deviates from the conditions imposed by the permit shall not be approved. (Ord. 9693 § 1, 1983)

21.34.130 Final planned industrial development plan.
A. For applications that have filed a parcel map or tentative map concurrent with a minor site development plan required pursuant to this chapter, a final planned industrial development plan shall be submitted to and approved by the city planner prior to the recordation of the final map.

B. For applications that have not filed a parcel map or tentative map concurrent with a minor site development plan required pursuant to this chapter, a final planned industrial development plan shall be submitted to and approved by the city planner prior to the issuance of any building permits.

C. The final planned industrial development plan shall reflect all required revisions and refinements. The final planned industrial development plan shall include:

1. Improvement plans for private streets, water, sewerage and drainage systems, walkways, fire hydrants, parking areas and storage areas. The plan shall include any off-site work necessary for proper access, or for the proper operation of water, sewerage or drainage system;

2. A final grading plan;

3. Final elevation plans;

4. A final landscaping plan including methods of soil preparation, plant types, sizes and location, and irrigation system plans showing location, dimensions and types; and

5. A plan for lighting of streets, driveways and parking areas.

D. Where a development requiring a minor site development plan pursuant to this chapter contains any land or improvements proposed to be held in common ownership, the applicant shall submit a declaration of covenants, conditions and restrictions with the final planned industrial development plan. Such declaration shall set forth provisions for maintenance of all common areas, payment of taxes and all other privileges and responsibilities of the common ownership and shall be reviewed by and subject to approval by the city planner and city attorney.

E. A final planned industrial development plan may be submitted for a portion of the development, provided the city planner approves the construction phases as part of the permit and provided that the phases are consistent with any subdivision map filed on the property. The plan for the first portion must
be submitted within the time limits of this section. Subsequent units may be submitted at later dates in accord with the approved phasing schedule.

F. The city planner shall review the plan for conformity to the requirements of this chapter and the minor site development plan. If the city planner finds the plan to be in substantial conformance with all such requirements, the city planner shall approve the plan. (Ord. CS-178 § XXXIX, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 76, 2003; Ord. 9693 § 1, 1983)

21.34.140 Certification of occupancy.
A certification of occupancy shall not be issued for any structure requiring a minor site development plan pursuant to this chapter until all improvements required by the minor site development plan have been completed to the satisfaction of the city engineer, city planner and the community and economic development director. (Ord. CS-178 § XL, 2012; Ord. CS-164 §§ 10, 14, 2011; Ord. NS-675 §§ 76, 79, 2003; Ord. 9693 § 1, 1983)

21.34.150 Maintenance.
All private streets, walkways, parking areas, landscaped areas, storage areas, screening, sewers, drainage facilities, utilities, open space and other improvements not dedicated to public use shall be maintained by the property owners or as otherwise approved by the city council. Provisions acceptable to the city shall be made for the preservation and maintenance of all such improvements prior to the issuance of building permits. (Ord. 9693 § 1, 1983)

21.34.160 Failure to maintain.
(a) All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain is unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

(b) In addition to any other remedy provided by law for the abatement, removal and enjoinment of such public nuisance, the city engineer may, after giving notice, cause the necessary work of maintenance or repair to be done. The costs thereof shall be assessed against the owner or owners of the project.

(c) The notice shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property within the project at the address shown on the assessment roll. Notice shall also be sent to any person known to the city engineer to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement. The city engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice.

(d) The notice shall particularly specify the work required to be done and shall state that if the work is not commenced within five days after receipt of such notice and diligently and without interruption prosecuted to completion, the city shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the city, will be assessed against the property or against each separate lot and become a lien upon such property.

(e) If upon the expiration of the five-day period provided for in subsection (d) of this section the work has not been done or, having been commenced, is not being performed with diligence, the city engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the city engineer shall file a written report with the city council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property, against which cost is to be assessed. The city council shall thereupon fix a time and place for hearing protests against which the cost is to be assessed and against the assessment of the cost of such work. The city engineer or the city clerk, if so directed by the council, shall thereafter give notice in writing to the owners of the
project in the manner provided in subsection (c) of this section of the hour and place that the city council will pass upon the city engineer’s report and will hear protests against the assessments. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the city council shall hear and consider the city engineer’s report and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.

(g) A list of assessments as finally confirmed by the city council shall be sent to the city treasurer for collection. If any assessment is not paid within ten days after its confirmation by the city council, the city clerk shall cause to be filed in the office of the county recorder a notice of lien, substantially in the following form:

NOTICE OF LIEN

Pursuant to Chapter 21.34, Title 21, of the Carlsbad Municipal Code (Ordinance No. 9693), the City of Carlsbad did on the ______ day of ________, 20__, cause maintenance and repair work to be done in the Planned Industrial Development project known as ___________________ which was constructed under the Minor Site Development Plan No. ________ for the purpose of abating a public nuisance and enforcing compliance with the terms of said minor site development plan, and the Council of the City of Carlsbad did on the ______ day of ________, 20__, by its Resolution No. _____ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City of Carlsbad does hereby claim a lien upon said real property until the same sum with interest thereon at the maximum rate allowed by law from the date of the recordation of this instrument has been paid in full and discharged of record. The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in the City of Carlsbad, County of San Diego, State of California, particularly described as follows:

(Description of Property)

Dated this ________ day of ________, 20__,

_________________, City Clerk, City of Carlsbad

(h) From and after the date of recordation of such notice of lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the maximum rate allowed by law until paid in full. The lien shall continue until the amount of the assessment and all interest thereon has been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such notice of lien, all persons shall be deemed to have notice of contents thereof. (Ord. CS-178 § XLI, 2012; Ord. 9693 § 1, 1983)
Chapter 21.35

V-R VILLAGE REVIEW ZONE*

Sections:
21.35.010 Intent and purpose.
21.35.015 Village redevelopment plan expiration.
21.35.020 Incorporation of village master plan and design manual by reference.
21.35.030 Land affected by this chapter.
21.35.040 Permitted uses.
21.35.050 Provisional uses.
21.35.060 General regulations.
21.35.070 Village review permit.
21.35.080 Village review projects.
21.35.085 Application and fees.
21.35.087 Notices and hearings.
21.35.090 Decision-making authority.
21.35.095 Announcement of decision and findings of fact.
21.35.100 Effective date and appeals.
21.35.105 Expiration, extensions and amendments for village review permits.
21.35.110 Findings of fact.
21.35.120 Variances.
21.35.125 Compliance with other provisions of this code.
21.35.130 Amendments to the village master plan and design manual.


21.35.010 Intent and purpose.
The village review zone is intended to establish land use classifications and develop standards and procedures for that unique area of the city described in the Carlsbad village master plan and design manual and according to the map approved and on file in the housing and neighborhood services and city clerk offices. This zone adopts the land use classifications and development standards of the Carlsbad village master plan and design manual as the zoning for the area designated. (Ord. CS-164 § 12, 2011; Ord. CS-037 § 1, 2009)

21.35.015 Village redevelopment plan expiration.
Adopted on July 21, 1981, the Carlsbad village area redevelopment plans has served together with the village master plan and design manual to regulate land use and development in the village area for the purpose of eliminating blight and blighting influences, and to revitalize the area. With expiration of the time limit for effectiveness of the Carlsbad village area redevelopment plan on July 21, 2009, the Carlsbad Redevelopment Project Area terminated and the Carlsbad redevelopment agency’s authority to act pursuant to the redevelopment plan expired, with exception of the requirements to pay previously incurred indebtedness, to comply with Section 33333.8 of the California Health and Safety Code (for provision of affordable housing) and to enforce existing covenants, contracts or other obligations and to manage agency-owned property. Modifications to the Village master plan and design manual were adopted by the Carlsbad housing and redevelopment commission on June 23, 2009 and city council on June 23, 2009 and hereby incorporated by reference into this chapter. These modifications transfer land use and development authority within the village area from the Carlsbad housing and redevelopment commission to the City of Carlsbad. The city council has reaffirmed that the Carlsbad village master plan and design manual together with implementing ordinances and policies shall continue to serve as the land use and development regulatory document for this unique village area to continue the revitalization effort. (Ord. CS-037 § 1, 2009)
21.35.020  **Incorporation of village master plan and design manual by reference.**
The Carlsbad village area redevelopment plan as adopted by Carlsbad city council Ordinance No. 9591 on
July 21, 1981, and the village master plan and design manual as adopted by Carlsbad housing and redevelop-
ment commission Resolution No. 271 on November 21, 1995, and modified by Carlsbad housing and re-
development commission Resolutions No. 280 on August 13, 1996, No. 291 on December 16, 1997, and
No. 379 on April 13, 2004, and modified by Carlsbad housing and redevelopment commission Resolution
No. 446 on November 20, 2007, and modified by Carlsbad housing and redevelopment commission Resolution
No. 476 on August 18, 2009 are hereby adopted by reference and incorporated into this chapter. (Ord.
CS-052 § I, 2009; Ord. CS-037 § I, 2009)

21.35.030  **Land affected by this chapter.**
This chapter shall apply only to lands located within the boundaries of the area known as the Carlsbad vil-
lage area, the boundaries of which are described in the Carlsbad village master plan and design manual and
according to map approved June 23, 2009 and on file in the housing and neighborhood services and city
clerk offices. (Ord. CS-037 § I, 2009)

21.35.040  **Permitted uses.**
Only those land uses specified in the Carlsbad village master plan and design manual as permitted uses for
particular property in the village review area shall be permitted. (Ord. CS-037 § I, 2009)

21.35.050  **Provisional uses.**
Uses permitted as provisional uses by the Carlsbad village area master plan and design manual shall be
permitted upon issuance of a village review permit approved according to this chapter. (Ord. CS-037 § I,
2009)

21.35.060  **General regulations.**
Subject to the provisions of Section 21.35.130 and except as otherwise provided by the Carlsbad village
master plan and design manual, the regulations of this title which apply to uses generally or generally to all
zoning classifications shall apply to property and uses in this zone. (Ord. CS-037 § I, 2009)

21.35.070  **Village review permit.**
Unless specifically exempt pursuant to Section 21.35.080 of this chapter, no building permit or other entitle-
ment shall be issued for any development or use in the V-R zone unless there is a valid village review permit
approved for the property. (Ord. CS-178 § XLIII, 2012; Ord. CS-037 § I, 2009)

21.35.080  **Village review projects.**
(a) Exempt Projects. No village review permit shall be required for an exempt project. An exempt project is
one which is exempt from the requirement to obtain a coastal development permit in accordance with
Section 21.201.060; and requires no village review permit or other discretionary approvals, and in-
cludes but is not limited to:

(1) Interior or exterior improvements to existing structures which do not result in the intensity of use
of a structure; and/or

(2) Additions to existing structures which result in a cumulative increase of less than ten percent of
the internal floor area; and/or

(3) Changes in permitted land uses which do not require site changes, result in increased ADT, result
in increased parking requirements, or result in compatibility issues or problems; and/or

(4) Landscaping on the lot unless it will result in erosion or damage to sensitive habitat; and/or
(5) Repair or maintenance activities which are exempt from a coastal development permit; and/or

(6) Activities of public utilities regulated by a government agency; and/or

(7) A project that requires no variance of any type; and/or

(8) Demolition of a structure outside the village segment of the Carlsbad Coastal Zone, provided that said demolition has no potential to create an adverse impact on coastal resources and/or access to the coast.

(b) Nonexempt Projects. There are three types of village review permits required for nonexempt projects. One permit for each type of development project described as follows:

(1) Administrative Village Review Project. An administrative village review permit shall be required for projects that: 1) result in minor new construction and/or a change in a development which requires no other discretionary approvals, except a minor variance within the authority of the city planner, and 2) include, but are not limited to:

(a) New construction of building(s) or addition(s) to the building footprint with an estimated permit value of less than sixty thousand dollars; and/or

(b) Interior or exterior improvements to existing structures which result in an intensity of use; and/or

(c) New construction of building(s) or addition(s) to the building footprint with an estimated permit value of less than sixty thousand dollars; and/or

(d) Changes in permitted land uses which result in site changes, increased ADT, increased parking requirements, or result in compatibility issues/problems; and/or

(e) Signs for existing businesses or facilities; and/or

(f) Repair or maintenance activities which are not exempt projects; and/or

(g) Demolition of a structure within the village segment of the Carlsbad Coastal Zone provided that said demolition has no potential to create an adverse impact on coastal resources and/or public access to the coast; and does not include any overnight accommodations.

(2) Minor Village Review Project. A minor village review permit is required for projects that do not qualify as an administrative village review project and/or involve new construction with an estimated permit value of sixty thousand dollars or more but less than one hundred fifty thousand dollars.

(3) Major Village Review Project. A major village review permit is required for projects that do not qualify as an administrative or minor village review project and/or involve new construction with an estimated permit value of one hundred fifty thousand dollars or more. (Ord. CS-178 § XLIV, 2012; Ord. CS-164 §§ 10, 12, 2011; Ord. CS-052 § II, 2009; Ord. CS-037 § I, 2009)

21.35.085 Application and fees.

A. An application for an administrative, minor or major village review permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:

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

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

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

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

C. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending application.
issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission and the city council. (Ord. CS-178 § XLV, 2012; Ord. CS-037 § 1, 2009)

21.35.087 Notices and hearings.
A. No public notice or hearing shall be required for an application for an administrative village review permit.
B. Notice of an application for a minor or major village review permit shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § XLVI, 2012)

21.35.090 Decision-making authority.
A. Exemption Determination.
1. After the application has been accepted as complete, the city planner shall determine if the project is exempt from the requirements of this chapter pursuant to Section 21.35.080. No permit shall be required for a project which is exempt from the requirements of this chapter. The city planner shall:
   a. Determine the exemption based on the certified local coastal program, including maps, categorical exclusions and other exemptions, land use designations, zoning ordinances and the village master plan and design manual. In granting an exemption, the city planner may impose such conditions as are necessary to protect the public health, safety and welfare.
   b. Inform the applicant whether the project is exempt within ten calendar days of the determination that the application is complete.
   c. Maintain a record of all determinations made on projects exempt from the requirements of this chapter. The records shall include the applicant’s name, an indication that the project is located in the village area, the location of the project, and a brief description of the project. The record shall also include the reason for exemption.
B. Applications for administrative, minor and major village review permits shall be acted upon in accordance with the following:
   a. An application for an administrative village review permit may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, and of the circumstances of the particular case.
   b. The city planner may approve or conditionally approve an administrative village review permit if all of the findings of fact in Section 21.35.120 of this chapter are found to exist.
   a. An application for a minor village review permit may be approved, conditionally approved or denied by the planning commission based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
   b. The planning commission shall hear the matter, and may approve or conditionally approve the minor village review permit if all of the findings of fact in Section 21.35.120 of this title are found to exist.
   a. An application for a major village review permit may be approved, conditionally approved or denied by the city council based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
b. Before the city council decision, the planning commission shall hear and consider the application for a major village review permit and shall prepare a recommendation and findings for the city council.

c. The city council shall hear the matter, and may approve or conditionally approve the major village review permit if all of the findings of fact in Section 21.35.120 of this title are found to exist. (Ord. CS-178 § XLVII, 2012; Ord. CS-164 § 12, 2011; Ord. CS-037 § I, 2009)

21.35.100 Announcement of decision and findings of fact.
When a decision on an administrative, minor or major village review permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § XLVII, 2012)

21.35.110 Effective date and appeals.
A. City planner decisions shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this code.

B. Planning commission decisions shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title.

C. City council decisions are final, conclusive and shall be effective upon the date specified in the announcement of decision. (Ord. CS-178 § XLVII, 2012; Ord. CS-037 § I, 2009)

21.35.115 Expiration, extensions and amendments for village review permits.
A. The expiration period for an approved administrative, minor or major village review permit shall be as specified in Section 21.58.030 of this title.

B. The expiration period for an approved administrative minor or major village review permit may be extended pursuant to Section 21.58.040 of this title.

C. An approved administrative, minor or major village review permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § XLVII, 2012)

21.35.120 Findings of fact.
No determination or decision shall be made pursuant to this chapter unless the decision-making authority finds, in addition to any other findings otherwise required for the project, that the project is consistent with this code, the general plan, and the village master plan and design manual. (Ord. CS-178 § XLIX, 2012; Ord. CS-164 § 10, 2011; Ord. CS-037 § I, 2009)

21.35.130 Variances.
An application for a variance within the V-R zone shall be processed in accordance with the provisions of Chapter 21.50 of this title. (Ord. CS-178 § XLIX, 2012; Ord. CS-037 § I, 2009)

21.35.140 Compliance with other provisions of this code.
Projects developed pursuant to this chapter shall be subject to the provisions of the village master plan and design manual and all other applicable provisions of the Carlsbad Municipal Code, including but not limited to those provisions of Titles 18, 19 and 20. (Ord. CS-037 § I, 2009)

21.35.150 Amendments to the village master plan and design manual.
Amendments to the village master plan and design manual shall be deemed to be amendments to this chapter; provided, however, that such amendments are processed and noticed in a manner which meets the requirements of Chapter 21.52 of this code. Amendment of the village master plan and design manual by city
council resolution, with a recommendation from the planning commission shall be deemed to satisfy the re-
quirements of Chapter 21.52 of this code, provided all other requirements are met. (Ord. CS-178 § L, 2012; 
Ord. CS-037 § I, 2009)
Chapter 21.36

P-U PUBLIC UTILITY ZONE

Sections:

21.36.010 Intent and purpose.
21.36.020 Permitted uses.
21.36.030 Precise development plan.
21.36.040 Procedure.
21.36.050 Conditions.
21.36.060 Minimum lot area.
21.36.070 Lot coverage.
21.36.080 Parking and loading areas.
21.36.090 Landscaping required.
21.36.100 Final precise development plan.

21.36.010 Intent and purpose.
The intent and purpose of the P-U zone is to provide for certain public utility and related uses subject to a precise development plan procedure to:

A. Insure compatibility of the development with the general plan and the surrounding developments;
B. Insure that due regard is given to environmental factors;
C. Provide for public improvements and other conditions of approval necessitated by the development.

(Ord. 9441 § 1, 1975; Ord. 9268 § 1, 1971; Ord. 9060 § 1390)

21.36.020 Permitted uses.
A. In a P-U zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title. Approval of a conditional use permit is required for the generation and transmission of electrical energy and shall require a finding by the city council that the use serves an extraordinary public purpose in addition to the other findings required for a conditional use found in Chapter 21.42.

C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this P-U zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.
# Table A

## Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates use is permitted. (See note 1 below)  
“CUP” indicates use is permitted with approval of a conditional use permit. (See note 1 below)  
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.  
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.  
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.  
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses and structures</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Airports</td>
<td></td>
<td>3</td>
<td></td>
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<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
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<tr>
<td>Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Crop production</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Energy transmission facilities, including rights-of-way and pressure control or booster stations for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Fairgrounds</td>
<td></td>
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<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td></td>
<td>3</td>
<td>X</td>
</tr>
<tr>
<td>Floriculture</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Generation of electric energy, accessory, by a government entity or by a company authorized or approved for such use by the California Public Utilities Commission in or outside the city’s Coastal Zone and limited to a generating capacity of fewer than 50 megawatts. Generating capacity of 50 megawatts or more is prohibited in the Coastal Zone</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Generation of electrical energy, primary, by a government entity or by a company authorized or approved for such use by the California Public Utilities Commission outside the city’s Coastal Zone only</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Governmental maintenance and service facilities</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Greenhouses (2,000 square feet maximum)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Greenhouses &gt;2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
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<td></td>
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<tr>
<td>Hazardous waste facility (subject to Section 21.42.140(B)(75); defined: Section 21.04.167)</td>
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<td>3</td>
<td></td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Nursery crop production</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>Packing/sorting sheds &gt;600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
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<tr>
<td>Pasture and range land</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Petroleum products pipeline booster stations</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Processing, using and storage of: (a) natural gas, (b) liquid natural gas, (c) domestic and agricultural water supplies</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Public utility district maintenance, storage and operating facilities</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Radio/television/microwave/broadcast station/tower</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Recreational facilities (public or private, passive or active)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Recycling collection facilities, large (subject to Chapter 21.105; defined: Section 21.04.265)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
21.36.030 Precise development plan.
No building permit or other entitlement for any use in the P-U zone shall be issued until a precise development plan has been approved for the property. The precise development plan may include provisions for any accessory use necessary to conduct any permitted use. (Ord. 9441 § 1, 1975; Ord. 9268 § 1, 1971; Ord. 9060 § 1392)

21.36.040 Procedure.
An application for a precise development plan shall be made and processed in accord with the procedures for a zone change pursuant to Chapter 21.52 of this code, except that any council decision shall be final and need not be referred back to the planning commission. (Ord. 9530 § 1, 1979; Ord. 9441 § 1, 1975; Ord. 9268 § 1, 1971; Ord. 9060 § 1393)

21.36.050 Conditions.
The city council may impose such conditions on the applicant and the plan as are determined necessary and consistent with the provisions of this chapter, the general plan and any specific plans that include provisions for, but are not limited to, the following:
(1) Setbacks, yards and open space;
(2) Special height and bulk of building regulations;
(3) Fences and walls;
(4) Regulation of signs;
(5) Landscaping;
(6) Special grading restrictions;
(7) Requiring street dedication and improvements (or posting of bonds);
(8) Requiring public improvements either on or off the subject site that are needed to service the proposed
development;
(9) Time period within which the project or any phases of the project shall be completed;
(10) Regulation of points of ingress and egress;
(11) Parking;
(12) Regulation of the type, quality, distribution and use of reclaimed water, or reclaimed wastewater. (Ord.
9551 § 1, 1980; Ord. 9441 § 1, 1975; Ord. 9268 § 1, 1971; Ord. 9060 § 1394)

21.36.060 Minimum lot area.
The minimum required area of a lot in the P-U zone shall be not less than seven thousand five hundred
square feet. (Ord. 9441 § 1, 1975; Ord. 9268 § 1, 1971; Ord. 9060 § 1395)

21.36.070 Lot coverage.
All buildings and structures, including accessory buildings and structures, shall cover no more than fifty per-
cent of the area of the lot. (Ord. 9441 § 1, 1975; Ord. 9268 § 1, 1971; Ord. 9060 § 1396)

21.36.080 Parking and loading areas.
No parking or loading area shall be located:
(1) In a front, side or rear yard adjoining a street;
(2) Within ten feet of an interior side or rear property line. (Ord. 9441 § 1, 1975)

21.36.090 Landscaping required.
Except for approved ways of ingress and egress and parking and loading areas, all required yards shall be:
(1) Permanently landscaped with one or a combination of more than one of the following: lawn, shrubs,
trees and flowers;
(2) Served by a water irrigation system and supplied with bubblers and sprinklers.
No walls or fences over four feet in height may be constructed in any area where landscaping is required.
(Ord. 9441 § 1, 1975)

21.36.100 Final precise development plan.
After approval, the applicant shall submit a reproducible copy of the precise development plan which incor-
porates all requirements of the approval to the city manager for signature. Prior to signing the final precise
development plan, the city manager shall determine that all applicable requirements have been incorporated
into the plan and that all conditions of approval have been satisfactorily met or otherwise guaranteed.
The final signed precise development plan shall be the official site layout plan for the property and shall be
attached to any application for a building permit on the subject property. (Ord. 9441 § 1, 1975)
Chapter 21.37

RMHP RESIDENTIAL MOBILE HOME PARK ZONE

Sections:
21.37.010 Intent and purpose.
21.37.020 Permitted uses.
21.37.030 Permit required.
21.37.040 Application and fees.
21.37.050 Decision-making authority.
21.37.060 Announcement of decision and findings of fact.
21.37.070 Effective date.
21.37.075 Expiration, extensions and amendments.
21.37.080 Final mobile home park plan.
21.37.090 Design criteria.
21.37.100 Development standards.
21.37.110 Removal of mobile home park zone.
21.37.120 Conversion.
21.37.130 Waiver of tentative and final map for mobile home park conversions.
21.37.140 Severability.

21.37.010 Intent and purpose.
A. The intent and purpose of the mobile home park zone is to:
   1. Provide locations where mobile homes and mobile home parks may be established, maintained and protected;
   2. Provide a means to regulate and control the conversion of existing mobile home parks to another use;
   3. Promote and encourage an orderly residential environment with appropriate physical amenities; and
   4. Implement the goals and objectives of the general plan, including all residential land use designations and the housing element. (Ord. NS-718 § 15, 2004; Ord. 9564 § 2, 1980)

21.37.020 Permitted uses.
A. In an RMHP zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.
C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
**Table A
Permitted Uses**

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 4 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 4 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

"Acc" indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture (defined: Section 21.04.036)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (household pets) (subject to Section 21.53.084)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>Animal keeping (wild animals) (subject to Section 21.53.085)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Buildings incidental to a mobile home park (ex. recreational buildings, laundry facilities, etc.)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Campsites (overnight) (subject to Section 21.42.140(B)(40))</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples, convents, monasteries, and other places of worship</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Educational institutions or schools, public/private (defined: Section 21.04.140)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Family day care home (large) (subject to Chapter 21.83) (defined: Section 21.04.147)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Family day care home (small) (subject to Chapter 21.83) (defined: Section 21.04.148)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Golf courses</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Greenhouses &gt; 2,000 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Home occupation (subject to Section 21.10.040)</td>
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<td>X</td>
</tr>
<tr>
<td>Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)</td>
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<td></td>
<td>2</td>
</tr>
<tr>
<td>Mobile home accessory structures (defined: Section 21.04.267)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Mobile home parks (see note 2, below)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Packing/sorting sheds &gt; 600 square feet (subject to Section 21.42.140(B)(70))</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)</td>
<td></td>
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<td>2</td>
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<tr>
<td>Residential care facilities serving six or fewer persons (defined: Section 21.04.300)</td>
<td></td>
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<tr>
<td>Satellite TV antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)</td>
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<td></td>
<td>X</td>
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<tr>
<td>Signs, subject to Chapter 21.41 (defined: Section 21.04.305)</td>
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<td>X</td>
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<tr>
<td>Supportive housing (defined: Section 21.04.355.1)</td>
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<td></td>
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<tr>
<td>Temporary building/trailer (real estate or construction) (subject to Sections 21.53.090 and 21.53.110)</td>
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<td></td>
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<tr>
<td>Transitional housing (defined: Section 21.04.362)</td>
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<td>X</td>
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<tr>
<td>Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)</td>
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<td></td>
<td>1 / 2</td>
</tr>
<tr>
<td>Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)</td>
<td></td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>
Notes:

1. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

2. A mobile home park may be a condominium, planned unit development, or rental park consisting of mobile homes. Subject to the provisions of Section 18551 of the California Health and Safety Code, mobile homes may be placed on permanent foundation systems in condominium or planned-unit development parks. Subject to the provisions of Sections 18551.1 and 18611 of the California Health and Safety Code mobile homes and factory-built houses may be placed on permanent foundation systems in any mobile home park for which a permit was issued after January 1, 1982 and designated to accommodate homes on permanent foundation systems.

3. Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations or telephone exchanges, with the necessary accessory equipment incidental thereto.

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


21.37.030 Permit required.

A. No person shall develop a mobile home park and no mobile home park shall be established unless a mobile home park permit has been issued according to this chapter.

B. The requirement for a mobile home park permit and the design criteria and development standards identified in this chapter, are not applicable to the filing of a tentative map or a parcel map for a subdivision to be created from the conversion of a rental mobile home park to a resident ownership provided that the planning commission and city council find that the mobile home park shall remain substantially in conformance with the existing facility allowing conversion. Such conversion of existing mobile home parks shall still be subject to Sections 21.37.110 and 21.37.120. (Ord. CS-061 § 4, 2009; Ord. NS-718 § 15, 2004; Ord. 9836 § 1, 1987; Ord. 9564 § 2, 1980)

21.37.040 Application and fees.

A. An application for a mobile home park permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:

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

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

3. Be accompanied by:
   i. A legal description of the property involved.
   ii. Adequate plans, which include a development plan showing the location of all mobile home lots and accessory buildings, a landscape plan and a grading plan including cross-sections of any proposed grading.
   iii. All other materials as specified by the city planner.

4. If the applicant contemplates the construction of a mobile home park in phases, the application shall so state and shall include a proposed construction schedule;

5. If the project is to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units, it shall be stated in the application and the application shall include a plan, acceptable to the city, for the preservation and maintenance of the common elements of the property; and

6. If the proposed park will be a condominium or planned unit development, a tentative map prepared according to the requirements of Chapter 20.12 of this code shall be filed at the time of the
application for the mobile home park. No tentative map for a mobile home condominium or planned unit development shall be approved unless a mobile home park permit has first been approved. A tentative map for a mobile home condominium or planned unit development shall not be deemed submitted for approval until the date of the first planning commission hearing on the permits.

B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council. (Ord. CS-178 § LII, 2012; Ord. CS-164 §§ 10, 11, 2011; Ord. NS-718 § 15, 2004; Ord. NS-675 §§ 76, 81, 2003; Ord. 1256 §§ 7, 13, 1982; Ord. 9564 § 2, 1980)

21.37.050 Decision-making authority.
A. An application for a mobile home park permit may be approved, conditionally approved or denied by the city council based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.

B. Before the city council decision, the planning commission shall hear and consider the application for a mobile home park permit and shall prepare a recommendation and findings for the city council. The action of the planning commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.

C. The city council shall hear the matter, and may approve or conditionally approve the mobile home park permit if it finds that the design and improvement of the project are consistent with the development standards and design criteria established by this chapter. (Ord. CS-178 § LII, 2012; CS-164 § 10, 2011; Ord. NS-718 § 15, 2004; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9564 § 2, 1980)

21.37.060 Announcement of decision and findings of fact.
When a decision on a mobile home park permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this code. (Ord. CS-178 § LII, 2012; Ord. NS-718 § 15, 2004; Ord. 9758 § 8, 1985; Ord. 9564 § 2, 1980)

21.37.070 Effective date.
The decision of the city council on a mobile home park permit is final, conclusive and shall be effective upon the date specified in the announcement of decision. (Ord. CS-178 § LII, 2012; Ord. NS-718 § 15, 2004; Ord. 9564 § 2, 1980)

21.37.075 Expiration, extensions and amendments.
A. The expiration period for an approved mobile home park permit shall be as specified in Section 21.58.030 of this title.

B. The expiration period for an approved mobile home park permit may be extended pursuant to Section 21.58.040 of this title.

C. An approved mobile home park permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § LIII, 2012)

21.37.080 Final mobile home park plan.
A. After approval of the mobile home park permit, the applicant shall prepare a reproducible copy of the approved mobile home park site plan known hereafter as the final mobile home park plan, which shall incorporate all requirements of the mobile home park permit approval.

B. The final mobile home park plan shall be submitted to the city planner for signature. Prior to signing the final mobile home park plan, the city planner shall determine that all applicable requirements have been incorporated into the plan and that all conditions of approval have been satisfactorily met or oth-
21.37.090  **Design criteria.**
A. The following design criteria shall apply to all mobile home parks:
   1. The overall plan shall be comprehensive, embracing land, mobile homes, buildings, landscaping and their interrelationships, and shall conform to adopted plans for all governmental agencies for the area in which the proposed development is located;
   2. The plan shall provide for adequate circulation, off-street parking, open recreational areas and other pertinent amenities. Mobile homes, buildings, structures and facilities in the park shall be well integrated, oriented and related to the topographic and natural landscape features of the site;
   3. The proposed development shall be compatible with existing and planned land use and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood or community; and
   4. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.

21.37.100  **Development standards.**
A. A mobile home park shall comply with the following development standards:
   1. A mobile home park shall be not less than five acres for a condominium or planned unit development park and fifteen acres for a rental park;
   2. Fifteen percent of the mobile home sites may be three thousand square feet in area to accommodate a twenty foot wide mobile home. The remaining sites shall have a minimum of three thousand five hundred square feet in area;
   3. Each mobile home lot shall have a width of not less than fifty feet;
   4. Not more than one single-family mobile home or factory-built home may be placed on a mobile home lot. Each mobile home or factory-built house shall contain one dwelling unit only. No mobile home or factory-built house shall be less than twenty-four feet wide, except for the fifteen percent affordable housing units which may be twenty feet wide;
   5. Each mobile home site shall have a front yard of not less than five feet. The front yard so required shall not be used for vehicle parking, except such portion thereof as is devoted to driveway use;
   6. On corner mobile home sites, the side yard adjoining the mobile home park street shall not be less than five feet;
   7. Except for corner lots, each mobile home lot shall have a side yard of not less than three feet and a rear yard of not less than three feet;
   8. The minimum separation between mobile homes or between a mobile home and a building shall be as follows: from side to side, ten feet; from side to rear, eight feet; from rear to rear, six feet;
   9. Notwithstanding the separation requirement, a private garage may be located immediately adjacent to a mobile home if the interior of the garage wall adjacent to the mobile home is constructed of materials approved for one-hour fire resistive construction. If there are openings in the mobile home wall adjacent to the garage wall, a minimum of three feet separation shall be maintained between the mobile home and a private garage which does not meet the requirements for one-hour fire resistive construction;
   10. Private garages shall maintain a minimum side yard and rear yard of not less than three feet;
11. Carports/awnings must be constructed of noncombustible materials and may be constructed to the lot line provided there is a minimum of three feet clearance from a mobile home or any other structures on the adjacent lots;

12. A maximum of two storage cabinets shall be permitted on each mobile home lot. The aggregate floor area of the cabinets shall not exceed one hundred square feet nor shall the height of the cabinets exceed ten feet. Storage cabinets may be located on a lot line or adjacent to a mobile home or mobile home accessory building or structure or beneath an awning or carport; provided, that it does not obstruct the required exiting or openings for light and ventilation of a mobile home or a cabana, or prevent service or inspection of mobile home equipment and utility connections or encroach within a designated open space area;

13. Expansion or alteration of buildings which are nonconforming by reason of inadequate yards shall comply with Section 21.48.090. Miscellaneous accessory structures such as lath houses, greenhouses, storage buildings (greater than one hundred square feet in floor area), etc., may be erected on a mobile home lot, provided they are located a minimum of six feet from any mobile home, outside any required yard and the occupied area of a lot does not exceed seventy-five percent of the lot;

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

15. Window awnings, not including structures, may project not more than four feet into any front yard and the following features may be erected or project into any required yard:
   a. Vegetation, including trees, shrubs and other plants,
   b. Necessary appurtenances for utility service,
   c. Mailboxes;

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

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

18. Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park. Such streets shall be built to the following standards:
   a. No roadway shall be less than thirty four feet in width,
   b. There shall be concrete curbs on each side of the streets,
   c. The mobile home park streets shall be paved according to standards established by the city engineer,
   d. Mobile home park streets shall be lighted in accordance with the standards established by the city engineer;

19. Reserved.

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

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

22. Common trash-bin enclosures shall be provided. They shall be of masonry construction and compatible with the mobile home park;
23. Service buildings and facilities shall be strategically located throughout the park for convenient access from mobile homes. No service building shall be closer than twenty feet to any property adjacent to the mobile home park;

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

25. All new mobile homes shall bear a valid insignia of approval issued by the State Department of Housing and Community Development. (Ord. CS-164 § 10, 2011; Ord. CS-102 §§ LXXXIV, LXXXV, 2010; Ord. NS-718 § 15, 2004; Ord. NS-675 § 76, 2003; Ord. NS-602 § 4, 2001; Ord. NS-24 § 1, 1988; Ord. 9804 § 4, 1986; Ord. 9782 § 1, 1985; Ord. 1256 § 7, 1982; Ord. 9564 § 2, 1980)

21.37.110 Removal of mobile home park zone.
A. The removal of the mobile home park zone shall be accomplished according to the procedure for change of zone established by Chapter 21.52 of this code.

B. No change of zone shall be approved unless the city council, after recommendation of the planning commission, finds:
   1. That the change of zone is consistent with the housing element;
   2. That for the property used for a mobile home park, the applicant has provided notice of termination of tenancy required by the California Civil Code Section 798.56(f) and that all requirements of the Civil Code regarding termination of tenancy will be met;
   3. That for property used for a mobile home park, a plan satisfactory to the city council to mitigate the impact on residents of the park has been prepared. Such plan shall include a phase-out schedule which establishes a timetable for the change of use and shall include an assistance plan, including programs to aid residents who will be displaced by the change of use in locating and securing new residences. Such aid may include financial assistance. The following factors shall guide the council in approving or disapproving the plan:
      a. The age of the mobile home park,
      b. The number of low income individuals or households needing assistance for relocation, and
      c. The availability of relocation housing, sites for mobile home relocation, or both, having reasonably equivalent amenities, within the North County area within fifteen miles of the Pacific Ocean.

C. In making decisions pursuant to this section, the council shall consider the effect of the decision on the housing needs of the community and balance those needs against the public service needs of the residents and available fiscal and environmental resources. (Ord. NS-718 § 15, 2004; Ord. 9564 § 2, 1980)

21.37.120 Conversion.
A. "Conversion" means a use of the mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. A conversion may affect an entire park or any portion thereof. "Conversion" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development or any form of ownership wherein spaces within the park are to be sold. "Conversion" does not include a change in the use of the property requiring a change of zone.

B. With the exception of mobile home parks converting from a rental mobile home park to resident ownership, no conversion shall be allowed unless a mobile home park permit has been approved by the city council pursuant to Chapter 21.37.
At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of an existing rental mobile home park to residential ownership, the subdivider shall comply with the requirements of Government Code Section 66427.5.

C. No conversion permit shall be issued unless the city council finds:
   1. That the notice required by California Civil Code Section 798.56(f) has been or will be given;
   2. Each of the tenants of the proposed condominium, stock cooperative project, planned unit development or other form of ownership has been or will be given notice of an exclusive right to contract for the purchase of their respective site or mobile home lot upon the same terms and conditions that such site will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than one hundred eighty days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right; and
   3. That the conversion is consistent with the general plan; a specific finding of consistency with the housing element shall be made.

D. Following recordation of a certificate of compliance or conditional certificate of compliance, owners/tenants of mobile homes on any unpurchased remaining interest shall not be economically displaced for a period of one year from the date of recordation. A rent increase may be levied during this year provided the increase is equal to or less than the average annual rent increase levied during the previous three years.

E. As a condition of the waiver of tentative map pursuant to Section 21.37.130, the owner of the unpurchased remaining interest shall have a relocation plan approved by the city council for those tenants who choose to relocate their mobile homes. The relocation plan shall also provide assistance for residents who are renting a coach in the park who will be displaced by the purchase of their space. The following factors shall guide the council in approving or disapproving the plan:
   1. The age and condition of the mobile home units;
   2. The number of low-income individuals or households needing assistance for relocation;
   3. The availability of relocation housing, sites for mobile home relocation, or both, having reasonably equivalent amenities, within the North County area within fifteen miles of the Pacific Ocean; and
   4. The necessity for financial assistance for relocation.

F. Conditions, covenants and restrictions (CC&Rs) for any conversion shall be submitted to the city planner for approval prior to final map, or final action and the CC&Rs shall provide for the periodic maintenance of the exteriors of the mobile homes. The conditions, covenants and restrictions cannot be altered or dissolved without written city approval. (Ord. CS-164 § 10, 2011; Ord. CS-061 § 4, 2009; Ord. NS-718 § 15, 2004; Ord. 9836 §§ 2—5, 1987; Ord. 9684, 1983; Ord. 9564 § 2, 1980)

21.37.130 Waiver of tentative and final map for mobile home park conversions.
A. Other provisions of this chapter notwithstanding, the city council may, by resolution, waive the requirement for a tentative and final map for a single parcel subdivision for the conversion of an existing mobile home park to condominiums. Prior to granting such a waiver, the city council shall make the following findings:
   1. This waiver shall be granted only to conversion of existing mobile home parks on a single parcel;
   2. A petition requesting the conversion shall be signed by the property owner and at least two-thirds of the residents of the mobile home park and shall be submitted to the city planner;
   3. The proposed subdivision shall not result in the economic displacement from the subject mobile home park of tenants/owners on remaining unpurchased interests located within the subject mobile home park unless the owner complies with Section 21.37.120(E);
4. A mobile home park permit shall be concurrently approved by the city council with the granting of this waiver. Even though a project may be deemed exempt, the permit application shall include an analysis of conformance with present development; and

5. The subdivision shall comply with such requirements then in effect as may have been established by the Subdivision Map Act or this chapter pertaining to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act or this chapter.

B. The subdivider requesting a waiver as provided for in this section shall make application therefor on such forms as may be provided for by the city planner.

C. Upon the grant of a waiver as provided for under this section, the city engineer shall prepare a certificate of compliance or conditional certificate of compliance, as appropriate, for recordation in the office of the county recorder for the purpose of documenting the approval of the subdivision. The city engineer shall not record or release for recordation a conditional certificate of compliance prepared pursuant to this section unless and until the owner or owners of the property to be subdivided have entered into an agreement with the city to provide for the satisfactory completion of all conditions of the certificate of compliance and shall have provided improvement security, as appropriate, as provided for in Chapter 5 of the Subdivision Map Act. (Ord. CS-164 § 10, 2011; Ord. NS-718 § 15, 2004; Ord. 9836 § 6, 1987)

21.37.140  Severability.
In any section, subsection, paragraph, sentence, clause or phrase of this chapter and the ordinance to which it is a part, or any part thereof, is held for any reason to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The city council hereby declares that it would have adopted this chapter and the ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective. Furthermore, if the entire ordinance or application is deemed invalid by a court of competent jurisdiction, any repeal of Chapter 21.37 will be rendered void and cause such Carlsbad Municipal Code provision to remain in full force and effect for all purposes. (Ord. CS-061 § 5, 2009)
Chapter 21.38

P-C PLANNED COMMUNITY ZONE*

Sections:

21.38.010 Intent and purpose.
21.38.020 Permitted uses and structures.
21.38.021 Community facilities sites required.
21.38.025 Second dwelling units.
21.38.030 General provisions.
21.38.040 Master plan required.
21.38.050 Application and fees.
21.38.060 Contents of master plan.
21.38.070 Notices and hearings.
21.38.080 Decision-making authority.
21.38.090 Findings of fact.
21.38.100 Effective date and appeals.
21.38.120 Amendment of master plan.
21.38.130 Implementation of master plan.
21.38.140 Additional standards.
21.38.150 Undeveloped areas of existing planned communities.

* Prior ordinance history: Ord. Nos. 9060, 9218, 9262, and 9338.

21.38.010 Intent and purpose.
The intent and purpose of the P-C, planned community zone, is to:

(1) Provide a method for and to encourage the orderly implementation of the general plan and any applicable specific plans by the comprehensive planning and development of large tracts of land under unified ownership or developmental control so that the entire tract will be developed in accord with an adopted master plan to provide an environment of stable and desirable character;

(2) Provide a flexible regulatory procedure to encourage creative and imaginative planning of coordinated communities involving a mixture of residential densities and housing types, open space, community facilities, both public and private and, where appropriate, commercial and industrial areas;

(3) Allow for the coordination of planning efforts between developer and city to provide for the orderly development of all necessary public facilities to insure their availability concurrent with need;

(4) Provide a framework for the phased development of an approved master planned area to provide some assurance to the developer that later development will be acceptable to the city; provided such plans are in accordance with the approved planned community master plan; and

(5) Ensure that all new and, as appropriate, existing master plans reserve a site or sites for community facilities uses which benefit the community as a whole by satisfying social/religious/human service needs pursuant to Chapter 21.25 of this code. (Ord. NS-579 § 2, 2001; Ord. 9458 § 1, 1976)

21.38.020 Permitted uses and structures.
In the P-C, planned community, zone the permitted uses and structures shall be established by a master plan of development approved in accordance with this chapter which may include any use found to be necessary and desirable for a community planned in accordance with the purposes of this chapter, provided that such permitted uses and structures shall be consistent with the general plan and applicable specific plans. Prior to approval of a master plan, the property may be used as permitted by Chapter 21.07 for the E-A ex-
inclusive agriculture zone. After approval of a master plan, such agricultural uses may be continued if the master plan so provides. (Ord. NS-579 § 3, 2001; Ord. NS-409 § 19, 1997; Ord. 9458 § 1, 1976)

21.38.021 Community facilities sites required.
All new master plans shall include graphic plans and text to reserve a site within the master plan area for community facilities uses pursuant to Chapter 21.25 of this code. (Ord. NS-579 § 4, 2001)

21.38.025 Second dwelling units.
Second dwelling units are permitted according to the provisions of Section 21.10.030 in areas designated by a master plan for single-family detached dwellings. For second dwelling units proposed on standard lots (minimum seven thousand five hundred square feet in area) which are developed with detached single-family residences, the development standards of Chapter 21.10 shall apply. For second dwelling units proposed on substandard lots (less than seven thousand five hundred square feet in area) which are developed with detached single-family residences, the development standards of Chapter 21.45 shall apply. (Ord. NS-718 § 16, 2004; Ord. NS-663 § 11, 2003; Ord. NS-283 § 6, 1994)

21.38.030 General provisions.
(a) The P-C zone may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this chapter. No P-C zone shall include less than one hundred acres of contiguous land.
(b) A planned community shall be subject to all other applicable provisions of Title 20, Subdivisions, and Title 21, Zoning, of this code. Where a conflict in regulation occurs, the regulations specified in this chapter or the approved master plan shall control. (Ord. CS-102 § LXXXVI, 2010; Ord. 9458 § 1, 1976)

21.38.040 Master plan required.
Prior to the approval for any permits for development on property zoned P-C, planned community, a master plan of development must be approved by the city council in accord with the provisions of this chapter. A master plan when approved by ordinance shall establish the regulations for the development of the planned community within the P-C zone, and the regulations shall become a part thereof. (Ord. 9458 § 1, 1976)

21.38.050 Application and fees.
A. Prefiling Procedure.
1. Prior to filing an application for a master plan, an applicant may prefile the proposal with the city planner for review.
2. The city planner shall contact interested departments and agency personnel and arrange any necessary meetings with the applicant. This procedure may involve a review of the general outline of the proposal.
3. After review, the city planner shall provide the applicant with written comments, including recommendations as appropriate to inform and assist the applicant prior to the applicant’s formal application.
B. Master Plan Application.
1. An application for a master plan and all related amendments may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   a. Be made in writing on a form provided by the city planner;
   b. State fully the circumstances and conditions relied upon as grounds for the application; and
c. Be accompanied by a preliminary master plan graphic and text, open area plan and sign program, a legal description of the property involved and all other materials as specified by the city planner.

C. At the time of filing a preliminary application or a master plan application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council. (Ord. CS-178 § LV, 2012; Ord. CS-164 §§ 10, 11, 2011; Ord. NS-675 §§ 76, 81, 2003; Ord. 1261 § 44, 1983; Ord. 1256 § 13, 1982; Ord. 9568 § 3, 1980; Ord. 9458 § 1, 1976)

21.38.060 Contents of master plan.
A master plan for the development of a planned community shall consist of the following:

1. Graphic plans of the proposed development that include the following:
   (A) A map and legal description of the property with a north point scale not less than one inch equals two hundred feet, showing the date of preparation and the name and address of the plan’s preparer, be it company or person, is required.
   (B) Location of the various land uses shall be indicated by the use of zone designations of development zones and overlay zones as provided in this title. Development of property within the area of each such zone shall be subject to the regulations of the indicated zone unless specifically modified as a part of the master plan approval. All master plans shall allow a maximum building height of thirty feet and two stories if a minimum roof pitch of 3/12 is provided or twenty-four feet and two stories if less than a 3/12 roof pitch is provided for single-family and duplex projects on lots with a lot area less than twenty thousand square feet in size. Lots with a lot area of twenty thousand square feet or greater and zoned R-1 and specifying a -20 or greater area zoning symbol by the master plan may have a building height limit of thirty-five feet and three stories with a minimum roof pitch of 3/12 provided. A master plan may impose a lower building height limit than those stated in this section in its development standards. Neighborhood commercial uses within a master plan shall conform to Section 21.26.030 of the C-1 zone. Tourist-oriented commercial uses within a master plan shall conform to Section 21.29.060 of the C-T zone. All other commercial uses within a master plan shall conform to the building height regulations contained in Section 21.28.030 of the C-2 zone. All industrial uses within a master plan shall conform to the building height regulations as contained in Section 21.34.070.A of the P-M zone. Office uses shall conform to Section 21.27.050.A.3 of the O zone.
   (C) An integrated open space program that is at least fifteen percent of the total master planned area is required, except that the city council may reduce this amount if the proposed open space is found to be adequate and is integrated with a proportional amount of off-site open space. This open space program shall address four separate categories of open space including:
      (i) Open space for the preservation of natural resources;
      (ii) Open space for the managed production of resources;
      (iii) Open space for outdoor recreation; and
      (iv) Open space for public health and safety.
      Land uses considered as open space for purposes of this chapter are properties that are publicly or commonly owned for the benefit and use of the public or residents of the community such as parks, recreation facilities, greenbelts that are at least twenty feet wide, natural areas that are at least ten thousand square feet in area, bikeways and pedestrian paths. These areas are to be indicated in the master plan and not used for any other purpose.
   (D) Specific development provisions to be applied such as a planned unit development permit or a conditional use permit shall be indicated. Development of property within areas so indicated shall be in accord with the terms of the permit and the provisions of this title applicable to such permits.
(E) The location of public and quasi-public facilities such as schools, fire stations, transmission lines and booster stations shall be indicated.

(F) The locations of major circulation systems and collector streets and their relationship to the circulation element shall be indicated. Bikeways, pedestrian paths, interconnecting open space areas and other special access means shall also be shown.

(G) Facilities for water supply and sewerage disposal, including sewer and water trunk lines, fire station sites, storm drainage and flood control structures and any other public facility needed to properly service the proposed community shall be indicated.

(H) Phasing of development shall be indicated. Adequate public facilities, open space, recreation areas and street systems shall be provided for each phase.

(I) A map showing topographical contours at no less than twenty-five foot intervals. Existing trees and other natural features shall be indicated on such map.

(J) Proposed development shall be consistent with the topography to reduce the amount of grading. The graphic is to indicate where significant grading is anticipated and for what reasons it is necessary.

(2) A text shall accompany the graphic and shall include in the order as listed below:

(A) A description of each type of land use by acre and area indicating the number and type of anticipated dwelling units in each of the residential areas, anticipated uses in the commercial, industrial zones and the land area for parks, schools, common open area and other public facilities and community services. For each of the open space categories identified in Section 21.38.060(1)(C), the master plan text shall also include a description of the resource type/environmental constraint being preserved or avoided or the types of recreational facilities proposed within recreational open space areas, and a program for preserving and/or maintaining the open space areas,

(B) Land use and public facility economic impact report that contains the following:

   (i) Justification for the proportions of the various land uses based on the projected population and acceptable marketing or planning techniques,

   (ii) Projected fiscal impacts the development will have on the ability of the city and other governmental or quasi-public agencies to provide necessary services. This report shall include the approximate cost of dwelling units, anticipated land and sales taxes to the city and costs of necessary public services. The report shall be prepared by an economic consultant independent of the applicant but at the applicant's expense,

(C) Special development regulations, including any modifications of zone designation regulations,

(D) A program to meet the needs for parks, schools and other public facilities based on the anticipated population of the community and the timing of its development,

(E) Method to be employed for the maintenance of commonly held private land such as open space, recreation areas, street and parking areas. Some possible methods, depending on the circumstances, are maintenance by developer, homeowners' association, maintenance district, or city,

(F) Phasing schedule indicating the timing for each section of the development, what public facilities, open space, recreation facilities or amenities will be provided with each phase,

(G) Special requirements as requested by the applicant or required by the city council which may include, but are not limited to, any of the matters which may be regulated by specific plan pursuant to Section 65451 of the Government Code,

(H) Measures to be used to mitigate any adverse environmental impact as noted in the adopted environmental impact report for the project;

(3) A landscape open area plan that includes all open spaces as required by this chapter and all other such areas proposed for the development. This plan shall include a graphic indicating areas to be landscaped, left natural, used as recreation, open space and bike or pedestrian ways. In addition, the plan
shall include the proposed ownership, and indicate who shall have the responsibility for the maintenance of the various types of open areas;

(4) A community identification sign program that, in addition to signs otherwise permitted, the master plan area will show community entrance signs, directional signs and temporary informational signs. The program may include the following:

(A) Graphic representation of design motif,

(B) Location of permanent community entrance, directional and informational signs,

(C) Type, number and dimensions of temporary informational and directional signs that will be used during development only,

(D) Special sign program for the commercial and industrial portion of the community including standards for development based on sign area footage per lineal foot, face of building and sign height maximums. A community identification sign program is in addition to those signs permitted in Chapter 21.41, but in no case may the sign program exceed that allowed for community identity signs in Chapter 21.41. If no community identification sign program is desired, the master plan text shall so indicate;

(5) Park land dedications may be required as a condition of all master plans. All park land required shall be dedicated up front, concurrent with the approval of the first final map within the master plan area. Prior to dedicating park land over to the city, the master plan applicant shall be required to submit the following information to the city:

(A) The master plan shall identify the location and acreage of the park site on the land use map and shall also include a discussion of the park in the master plan text. Prior to final adoption of the master plan the applicant shall enter into a recordable agreement with the city, and agreeable to the city, which generally depicts the location of the park site on a map and also contains provision whereby the developer agrees to dedicate the described park area when required under this section,

(B) This park area shall be dedicated to the city prior to the adoption of the first final map within the master plan area,

(C) The master plan shall include the location of the park, biological and soils analysis of the site along with a cultural resources inventory and any other environmental reports as may be required by the city planner, and a conceptual development plan of the park to the satisfaction of the community services director,

(D) The applicant shall also provide, in writing, a statement as to whether or not the park site has ever been used for the disposal or storage of toxic wastes pursuant to Section 25300 et seq. of the Health and Safety Code. (Ord. CS-178 § LVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-286 § 6, 1994; Ord. NS-204 § 10, 1992; Ord. NS-180 § 24, 1991; Ord. 9838 §§ 1—3, 1987; Ord. 9458 § 1, 1976)

21.38.070 Notices and hearings.
Notice of an application for a master plan shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § LVII, 2012; Ord. 9458 § 1, 1976)

21.38.080 Decision-making authority.
A. An application for a master plan may, by ordinance, be approved, conditionally approved or denied by the city council.

1. Before the city council decision, the planning commission shall hear and consider the application for a master plan and shall prepare a recommendation and findings for the city council, including all matters set out in Section 21.38.090 of this chapter. The action of the planning commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.
2. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may by ordinance approve or conditionally approve the master plan if, from the evidence presented at the hearing, all of the findings of fact in Section 21.38.090 of this chapter are found to exist.

3. The city council may make substantial modifications to the planning commission's recommendation on a proposed master plan, including modifications not previously considered by the planning commission. The city council, in its discretion, may refer said modifications back to the planning commission for recommendation. (Ord. CS-178 § LVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 76, 77, 2003; Ord. 1256 § 7, 1982; Ord. 9458 § 1, 1976)

21.38.090 Findings of fact.
The city council shall not approve or conditionally approve a master plan unless all of the following facts exist:

1. The proposed development as described by the master plan is consistent with the provisions of the general plan and any applicable specific plans.

2. All necessary public facilities can be provided concurrent with need and adequate provisions have been provided to implement those portions of the capital improvement program applicable to the subject property.

3. The residential and open space portions of the community will constitute an environment of sustained desirability and stability, and that it will be in harmony with or provide compatible variety to the character of the surrounding area, and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population and appear acceptable to the public authorities having jurisdiction thereof.

4. The proposed commercial and industrial uses will be appropriate in area, location and overall design to the purpose intended. The design and development standards are such as to create an environment of sustained desirability and stability. Such development will meet performance standards established by this title.

5. In the case of institutional, recreational, and other similar nonresidential uses, such development will be proposed, and surrounding areas are protected from any adverse effects from such development.

6. The streets and thoroughfares proposed are suitable and adequate to carry the anticipated traffic thereon.

7. Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities of the types needed at such location proposed.

8. The area surrounding the development is or can be planned and zoned in coordination and substantial compatibility with the development.

9. Appropriate measures are proposed to mitigate any adverse environmental impact as noted in the adopted environmental impact report for the project. (Ord. CS-178 § LVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9458 § 1, 1976)

21.38.100 Effective date and appeals.
The decision of the city council is final, conclusive and shall be effective upon the date specified in the announcement of decision. (Ord. CS-178 § LVII, 2012; Ord. 9458 § 1, 1976)

21.38.120 Amendment of master plan.
A. An approved master plan may be amended pursuant to the following:

1. An application to amend a master plan shall be submitted in accordance with Section 21.38.050 of this chapter, or may be initiated by city council motion.
2. Minor Master Plan Amendments. Master plan amendments, which are determined by the city planner to be minor in nature, may be approved, conditionally approved or denied by the planning commission at a public hearing noticed in accordance with Chapter 21.54 of this title.

A minor amendment shall not change the densities or boundaries of the subject property, or involve an addition of a new use or group of uses not shown on the original master plan, or the rearrangement of uses within the master plan.

3. Master Plan Amendments. Master plan amendments that are not minor in nature shall be processed in accordance with Section 21.54.125 of this title. (Ord. CS-178 § LVII, 2012; Ord. NS-675 § 76, 2003; Ord. 1261 § 44, 1983; Ord. 9568 § 3, 1980; Ord. 9458 § 1, 1976)

21.38.130 Implementation of master plan.
(a) To insure that the provisions and requirements of the approved master plan are fulfilled, the following procedures shall be used:

(1) Upon final approval of a master plan, the city planner shall affix the master plan designation number on the official zone map.

(2) Subdivision of land in the master plan area shall meet all requirements of Titles 20 and 21 of this code and the approved master plan.

(3) Development of property within a master plan pursuant to a special process such as site development plan, planned unit development permit or conditional use permit shall meet all requirements of the permit, the approved master plan, and the provisions of this title applicable to such permit.

(4) Ministerial permits such as building permits, business licenses, and home occupations shall meet all requirements of this code and the approved master plan.

(b) The planned community master plan process is part of the ongoing city planning effort. It is anticipated that amendments to the master plan may be necessary prior to completion of the planned community. Approval and construction of a sectional part of a master plan shall not vest rights in the remainder of the plan. The plan is intended rather as a planning framework to insure that the parts of the plan as constituted are properly integrated into the city’s planning process. (Ord. NS-675 § 76, 2003; Ord. 1261 § 44, 1983; Ord. 9458 § 1, 1976)

21.38.140 Additional standards.
The city council may by resolution adopt additional standards of development for master plans. Master plans approved or amended after the effective date of such regulations shall comply therewith. For amended master plans that are partially constructed, the new standards shall apply to the undeveloped portions only. (Ord. 945 § 1, 1976)

The contents of the master plan as described in Section 21.38.060 shall include the following additional information required below and be approved in accordance with the following additional development standards:

(a) Permits—Required. Developments as defined in Section 21.04.107, (including but not limited to land divisions) require a coastal development permit subject to the requirement of this zone. All uses in this zone are subject to the procedural requirements of Chapter 21.201. Prior to or simultaneously with the approval of any division of land or any other development, a master plan of development for the property called Rancho La Costa shall be approved in accordance with the provisions of this chapter.

(b) Maximum Density of Development. The master plan shall be approved subject to a maximum density of development as follows:
(1) Agricultural land (with soils rated at I through IV under the Land Use Capability Classification System of the Soil Conservation Service) shall result in an allowable intensity of development of one residential dwelling unit per ten acres;

(2) All slopes greater than twenty-five percent shall result in an allowable development intensity of one dwelling unit per ten acres;

(3) All slopes greater than twenty percent but less than twenty-five percent shall result in a development intensity of one dwelling unit per five acres;

(4) All slopes greater than fifteen percent but less than twenty percent shall result in a development intensity of one dwelling unit per acre;

(5) All slopes greater than ten percent but less than fifteen percent shall result in a development intensity of two dwelling units per acre;

(6) All areas with a slope of less than ten percent shall result in a development intensity of six units per acre.

The master plan shall include a topographic map at a scale sufficient to determine the above but no less than one inch equals one hundred feet having a contour interval of five feet with overlays delineating areas of greater than ten, fifteen, twenty and twenty-five percent slopes. A map showing the type of soil erodibility, and class based on the Land Use Capability Classification System of the Soil Conservation Service shall be submitted in the same scale as the slopes. The master plan shall show the computation of the densities and acreage of soils of the various classes and erodibility.

The plan required as a part of the master plan shall be certified as accurate by a registered engineer or other qualified professional to be true and accurate containing reasonably accurate estimates of the amount of cut and fill. The plan shall show the existing and the finished topography of the ground to be graded and filled, including a site plan of the proposed residential or commercial development in the same scale so that it can be superimposed upon the topographic map.

(c) Drainage and Erosion Control. Any development proposal that affects steep slopes (twenty-five percent inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Toups maps. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

(1) For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language would apply:

(A) Slopes of twenty-five percent grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed ten percent of the steep slope area over twenty-five percent grade may be permitted. For existing legal parcels, with all or nearly all of their area in slope area over twenty-five percent grade, encroachment shall be limited so that at no time is more than twenty percent of the entire parcel (including areas under twenty-five percent slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the city’s circulation element or the development of utility systems. Use of slopes over twenty-five percent may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

(B) No further subdivisions of land or utilization of planned unit developments shall occur on lots that have their total area in excess of twenty-five percent slope unless a planned unit development is proposed which limits grading and development to not more than ten percent of the total site area.

(C) Slopes and areas remaining undisturbed as a result of the hillside review process, shall be placed in a permanent open space easement as a condition of development approval. The
The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community.

(2) For all other steep slope areas, the city council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:

(A) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigatable for at least seventy-five years, or life of structure.

(B) Grading of the slope is essential to the development intent and design.

(C) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas.

(D) If the area proposed to be disturbed is predominated by steep slopes and is in excess of ten acres, no more than one third of the total steep slope area shall be subject to major grade changes.

(E) If the area proposed to be disturbed is predominated by steep slopes and is less than ten acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.

(F) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

(3) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken onsite and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.

(4) The appropriate measures shall be installed prior to onsite grading.

(5) Modification of these standards and criteria may be granted to portions of properties where strict application of the standards and criteria would, even after application of clustering and other innovative development techniques, result in less than one-half of the development potential that would be attainable under the maximum density of development specified in subsection (b) of this section.

Such modification shall be limited to the standards and criteria expressed in subsection (c)(1)(A) of this section, and shall not exceed that necessary to the attainment of said one-half of the development potential.

Where such modification must involve grading or other disruption of lands of twenty percent slope or greater, such grading or disruption shall be limited to not more than one-fourth of the land area of the property which is of twenty percent slope or greater.

In selecting areas within the property of twenty percent slope or greater which will be subject to modification of standards and criteria, lands with the following characteristics shall receive preference.

(A) Land with the lowest relative degree of environmental sensitivity.

(B) Land with the relatively gentler slopes.

(C) Land which will require the least amount of cut and fill, and upon which runoff and erosion can be most effectively controlled.

(D) Land with the least amount of visual impact when viewed from a circulation element road or public vista point.
(E) Land which, when graded and developed, would have the least environmental and visual impact on the steep-sloped land form upon which such grading or development is to take place.

(6) A site specific technical report shall be required addressing the cumulative effects of developing each subwatershed and recommending measures to mitigate both increased runoff and sedimentation. It shall be reviewed and prepared according to the City of Carlsbad Engineering Standards and provisions of the Local Coastal Program, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that storm drains are allowed for those western portions of the watershed which have already been incrementally developed.

(7) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:

(A) Submittal of a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a ten-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps and energy dissipators and shall not be concentrated in one area or a few locations.

(B) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage and erosion control facilities. If the offsite or onsite improvements are not to be accepted or maintained by a public agency, detailed maintenance agreements shall be secured prior to issuance of a permit.

(C) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any onsite grading activities.

(D) All grading activities shall be prohibited within the period from October 1st to March 31st of each year.

(E) All areas disturbed by grading, but not completed during the construction period, including graded pads, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and native vegetation. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said planting shall be accomplished under the supervision of a licensed landscaped architect and shall consist of seeding, mulching, fertilization and irrigation adequate to provide ninety percent coverage within ninety days. Planting shall be repeated, if the required level of coverage is not established. This requirement shall apply to all disturbed soils, including stockpiles.

(d) Buffers/Open Space. The master plan shall include buffers and open space to separate agriculture use from residential development.

Adequate buffer areas, generally of at least one hundred feet, between agricultural operations and new development shall be established and protected through conservation easements. The buffer area shall include natural vegetation, natural grade separations, and other natural features. In addition, roads shall be designed as much as possible to function as buffers between agriculture and residences. Residential uses shall be sited and designed to provide an open space area away from use conflicts. Cut and fill shall not occur adjacent to agricultural areas in order to provide a natural buffer. The P-C zone requirement of open space can be used in conjunction with this requirement. Lands to be preserved in open space shall be dedicated to coastal conservancy through the use of open space easements in perpetuity free of prior liens prior to issuance of a permit. Land subject to open space easements may remain in private ownership with the appropriate easements, use restrictions and
maintenance arrangements to be secured from the developer prior to issuance of a permit. The city shall require the developer or a homeowner’s association to maintain the open space area or it can alternatively require payment of fees if the coastal conservancy certifies that the maintenance fee is adequate. If a homeowner association is to maintain the open space, appropriate provision for fees and maintenance shall be required as a condition of approval of the permit.

(e) Siting/Parking. Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated in the master plan to minimize the paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site. (Ord. CS-005 § 1, 2008; Ord. NS-365 § 3, 1996)

* Note: Applies only to Rancho La Costa, Hunt Properties, covered by the Mello I LCP Segment.

21.38.150 Undeveloped areas of existing planned communities.
Undeveloped portions of properties zoned P-C on the effective date of this chapter shall be regulated by this section as follows:

(1) Properties of less than one hundred acres shall be considered lawfully nonconforming. The development of such property shall require a planned unit development permit or a condominium permit issued in accordance with the provisions of Chapter 21.45 or Chapter 21.47, whichever chapter is applicable to the development. If no master plan has been approved for the property, the land use shall be consistent with the general plan. If a master plan has been approved, the density and other provisions of such plan shall be consistent with the general plan. If a master plan has been approved, the density and other provisions of such plan shall constitute the underlying zone for purposes of the planned unit development or condominium permit.

(2) Properties of more than one hundred acres for which no master plan has been approved shall comply fully with the provisions of this chapter.

(3) Properties of more than one hundred acres, with an approved master plan, shall require either a planned unit development or permits which shall be accomplished in accordance with the provisions of Chapter 21.45 or Chapter 21.47, whichever chapter is applicable to the development. The density and other provisions of such plan shall constitute the underlying zone for the purposes of the planned unit development or condominium permits. The city council, by motion, or the property owner, by application, may initiate an amendment to the master plan to bring it into accord with the provisions of this chapter. If such amendment is approved, the development of such property shall be in accordance with this chapter.

(4) Notwithstanding the provisions of this section, property with an approved specific plan adopted pursuant to P-C zone regulations in effect prior to the effective date of this chapter can be developed in accord with such specific plan without further processing as required in this chapter. (Ord. 9535 § 1, 1979; Ord. 9458 § 1, 1976)
Chapter 21.39

L-C LIMITED CONTROL ZONE

Sections:
21.39.010 Intent and purpose.

21.39.010 Intent and purpose.
The intent and purpose of the L-C zone is to provide an interim zone for areas where planning for future land uses has not been completed or plans of development have not been formalized. After proper planning or plan approval has been completed, property zone L-C may be rezoned in accord with this title. (Ord. 9441 § 2, 1975; Ord. 9337 § 6, 1973)

A. In an L-C zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted subject to the requirements and development standards specified in this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.
B. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.
C. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this limited control zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted.

Table A
Permitted Uses
In the table, below, subject to all applicable permitting and development requirements of the municipal code:
“P” indicates use is permitted.
“CUP” indicates use is permitted with approval of a conditional use permit.
1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.
2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.
3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.
“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses and structures (see note 4 below)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Animals and poultry—small (less than 25) (see note 1 below)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cattle, sheep, goats, and swine production (see note 2 below)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Crop production</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dwelling, single-family (farm house)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Family day care home (large)(defined: Section 21.04.147) (subject to Chapter 21.83)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Family day care home (small)(defined: Section 21.04.148) (subject to Chapter 21.83)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Use | PCUP | Acc
---|---|---
Floriculture | X | |
Greenhouses, less than 2,000 square feet | X | |
Guest house | X | |
Horses, private use | X | |
Mobile home (see note 5 below) | X | |
Nursery crop production | X | |
Other uses or enterprises similar to the above customarily carried on in the field of agriculture | X | |
Produce/flower stands for display and sale of products produced on the same premises (see note 3 below) | X | |
Satellite television antennae (subject to Sections 21.53.130 through 21.53.150)(defined: Section 21.04.302) | X | |
Signs (subject to Chapter 21.41) | X | |
Tree farms | X | |
Truck farms | X | |
Wildlife refuge | X | |

Notes:
1. Small animals and poultry: Provided that not more than twenty-five of any one or combination thereof shall be kept within seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
2. Cattle, sheep, goats, and swine production: Provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Said animals shall not be located within seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of a parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
3. Produce/flower stands: Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.
4. Accessory uses/structures include, but are not limited to, private garages, children’s playhouses, radio and television receiving antennae, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.


Notwithstanding any other provision of this title, no conditional uses shall be permitted in the L-C limited control zone. (Ord. 9441 § 2, 1975)

Except when imposed by operation of Section 21.61.020 of this code, the L-C limited control zone shall not be applied to an area less than one acre. (Ord. 9540 § 1, 1980; Ord. 941 § 2, 1975)
Chapter 21.40

S-P SCENIC PRESERVATION OVERLAY ZONE

Sections:
21.40.010 Intent and purpose.
21.40.030 Permitted uses and structures.
21.40.040 Special use permit.
21.40.045 Scenic corridors.
21.40.050 Exceptions.
21.40.060 Application and fees.
21.40.070 Notices and hearings.
21.40.080 Decision-making authority.
21.40.085 Findings of fact and decision considerations.
21.40.090 Announcement of decision and findings of fact.
21.40.095 Effective date and appeals.
21.40.100 Expiration, extensions and amendments.
21.40.110 Development standards.
21.40.115 Scenic corridor development guidelines.
21.40.117 Contents of scenic corridor guidelines.
21.40.120 Conditions.
21.40.135 Coastal zone restrictions.

21.40.010 Intent and purpose.
A. The intent and purpose of the S-P scenic preservation overlay zone is to:
   1. Supplement the underlying zoning by providing additional regulations for development within des-
      ignated areas to preserve or enhance outstanding views, flora and geology, or other unique natu-
      ral attributes and historical and cultural resources;
   2. Provide regulations in areas which possess outstanding scenic qualities or would create buffers
      between incompatible land uses which enhance the appearance of the environment and contrib-
      ute to community pride and community prestige;
   3. Preserve those areas of the city that provide unique and special open space functions consistent
      with the underlying permitted use;
   4. Implement the goals and objectives of the general plan;
   5. Provide guidelines for development of certain arterial streets identified as scenic corridors. (Ord.
      9725 § 1, 1984; Ord. 9386 § 2, 1974)

The S-P scenic preservation overlay zone shall be applied in a uniform manner to those areas within the city
which, in the opinion of the city council, are worthy of preservation because of their outstanding views, flora
and geology, or other unique natural attributes and historical and cultural resources. The boundaries of this
zone shall be established by the procedures designated in Chapter 21.52. When only a portion of a parcel of
land lies within the designated scenic overlay, the provisions of this chapter shall apply only to that portion
lying within the scenic overlay boundaries. (Ord. 9386 § 2, 1974)

21.40.030 Permitted uses and structures.
In the S-P scenic preservation overlay zone any principal use, accessory use, transitional use or conditional
use permitted in the underlying zone is permitted subject to the same conditions and restrictions applicable
in such underlying zone and to all of the requirements of this chapter and to the development standards pro-
vided in Chapters 21.41 and 21.44. (Ord. 9386 § 2, 1974)

21.40.040 Special use permit.
Unless specifically exempted from the requirements of this chapter, no building permit or other entitlement
shall be issued for any development or use in the S-P zone unless there is a valid special use permit ap-
proved for the property. (Ord. CS-178 § LIIX, 2012; Ord. 9386 § 2, 1974)

21.40.045 Scenic corridors.
The S-P scenic preservation overlay zone may be applied to arterial streets within the city which the city
council determines are worthy of special treatment in order to improve or protect scenic views and traffic
safety along the arterial. The boundaries of the scenic corridor shall be established by the procedures des-
ignated in Chapter 21.52. When only a portion of a parcel of land lies within the designated scenic corridor
overlay, the provisions of this chapter shall apply only to the portion within the overlay boundaries. (Ord.
9725 § 2, 1984)

21.40.050 Exceptions.
The following uses are excepted from the special use permit requirements:
(1) Development of one single-family dwelling unit on a parcel of record as of May 2, 1974;
(2) Minor modification or alteration of existing structures or buildings which involves new land coverage of
less than two hundred square feet and does not increase the height of the existing structure;
(3) The repair or reconstruction of an existing nonconforming structure that is destroyed by fire or other
disaster to no more than fifty percent of the structure’s original value. (Ord. CS-178 § LX, 2012; Ord.
9386 § 2, 1974)

21.40.060 Application and fees.
A. An application for a special use permit may be made by the owner of the property affected or the au-
thorized agent of the owner. The application shall:
1. Be made in writing on a form provided by the city planner;
2. State fully the circumstances and conditions relied upon as grounds for the application; and
3. Be accompanied by adequate plans, a legal description of the property involved and all other ma-
terials as specified by the city planner.
B. At the time of filing the application, the applicant shall pay the application fee contained in the most
recent fee schedule adopted by the city council. (Ord. CS-178 § LX, 2012; Ord. CS-164 § 10, 2011;
Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9386 § 2, 1974)

21.40.070 Notices and hearings.
Notice of an application for a special use permit shall be given pursuant to the provisions of Sections

21.40.080 Decision-making authority.
Applications for a special use permit shall be acted upon in accordance with the following:
(1) An application for a special use permit may be approved, conditionally approved or denied by the plan-
ning commission based upon its review of the facts as set forth in the application, of the circumstances
of the particular case, and evidence presented at the public hearing.
21.40.085

(2) The planning commission shall hear the matter, and may approve, conditionally approve, or deny the special use permit if all of the findings of fact in Section 21.40.085 of this title are found to exist. (Ord. CS-178 § LX, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1261 § 45, 1983; Ord. 9386 § 2, 1974)

21.40.085 Findings of fact and decision considerations.

A. Findings of Fact.

1. The decision-making authority shall not issue a special use permit unless it is found that:
   a. The project is consistent with the purposes of this chapter and all other applicable requirements of this code;
   b. The project is consistent with the general plan, local coastal program, and applicable master or specific plans;
   c. The project will not adversely affect the scenic, historical or cultural qualities of the property.

B. Decision Considerations.

1. When making a decision on a special use permit, the decision-making authority may impose specific development standards in accordance with Section 21.40.110 and shall consider the following factors:
   a. When the S-P scenic preservation overlay zone is applied to protect something worth looking at, i.e., a landmark, a civic center, a mountain or an area bounding the main entrance to the city, the development standards of the proposed use should deal with preserving the integrity of that amenity.
   b. When the S-P scenic preservation overlay zone is applied to an area from which there is an outstanding view, i.e., a scenic corridor, the development standards of the proposed use should deal with maintaining those views as much as possible.
   c. Special consideration should be given to preserving the following:
      i. Hillsides, hilltops, valleys, beaches, lagoons and lakes that provide visual and physical relief in the form of natural contrast to the city;
      ii. Open space areas which assist in defining neighborhood, district and city identity;
      iii. Unique topographical features or natural rock outcroppings and other notable landmarks;
      iv. Areas of significant historical value;
      v. Prime vista sites;
      vi. Scenic and historical corridors. (Ord. CS-178 § LXI, 2012)

21.40.090 Announcement of decision and findings of fact.

When a decision on a special use permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § LXII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9386 § 2, 1974)

21.40.095 Effective date and appeals.

Decisions on special use permits shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title. (Ord. CS-178 § LXIII, 2012)
21.40.100  Expiration, extensions and amendments.
A. The expiration period for an approved special use permit shall be as specified in Section 21.58.030 of this title.
B. The expiration period for an approved special use permit may be extended pursuant to Section 21.58.040 of this title.
C. An approved special use permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § LXIV, 2012; Ord. 9386 § 2, 1974)

21.40.110  Development standards.
Specific development standards may be applied to areas within the S-P scenic preservation overlay zone by specific plan or as part of a special use permit. Such standards shall control notwithstanding the provisions of the underlying zone and may include but are not limited to the following:
(1) Sign Control. Restrictions on size, content, design and location;
(2) Underground Utilities. Requiring the undergrounding of utilities when said action is necessary to carry out the intent and purpose of this chapter;
(3) Landscaping. Prescribing landscaping requirements and review of plans;
(4) Architectural Treatment. Establishing acceptable architectural motifs and review of plans;
(5) Setbacks. Establishment of deeper setbacks when necessary to maintain scenic corridor;
(6) Side Yards. Establishment of wider side yards when providing views through the property;
(7) Height Limitations. Reducing maximum height limits in order to maximize views from beyond;
(8) Building Bulk. Restrictions on maximum bulk of buildings to break up solid facade;
(9) Spacing of Buildings. Requiring off-set spacing of buildings to maximize a prime vista point;
(10) Other Conditions. Any other regulation or condition necessary to protect the scenic resources of the community consistent with the purposes of this chapter. (Ord. 9386 § 2, 1974)

21.40.115  Scenic corridor development guidelines.
The city council shall, by resolution, adopt guidelines for development of property with a scenic corridor overlay. Development within a scenic corridor shall be consistent with the scenic corridor guidelines in addition to complying with the other requirements of the chapter. If compliance with one or more specific standards of the scenic corridor guidelines is infeasible for a particular project, the planning commission, or the city council upon appeal, may grant exceptions to those specific standards; provided, however, that the scenic nature of the corridor and traffic safety are protected to the greatest extent feasible, as outlined in the adopted guidelines. (Ord. 9725 § 3, 1984)

21.40.117  Contents of scenic corridor guidelines.
The scenic corridor guidelines shall consist of the following:
(1) A map or description of the boundaries of the corridor area;
(2) Development guidelines which address the following items:
   (A) Design theme;
   (B) Median break frequency;
   (C) Sidewalk description;
   (D) Sign regulations;
   (E) Building height maximums;
   (F) Grading restrictions;
21.40.120

(G) Setbacks;
(H) Street furniture;
(I) Street light spacing;
(J) Roof equipment restrictions;
(K) Other conditions necessary to protect the public safety or scenic resources of the corridor.

The guidelines shall apply to the total length of an arterial within the city limits, however, this length may be divided into appropriate sub-areas for purposes consistent with this chapter. (Ord. 9725 § 4, 1984)

21.40.120 Conditions.
The planning commission or city council on appeal may impose such conditions on the applicant and the permit as are determined necessary consistent with the provisions of this chapter. (Ord. 9386 § 2, 1974)

21.40.135 Coastal zone restrictions.
Within the coastal zone, existing public views and panorama shall be maintained. Through the individualized review process, sites considered for development shall be conditioned so as to not obstruct or otherwise damage the visual beauty of the coastal zone. In addition to the above, height limitations and see-through construction techniques should be employed. Shoreline development shall be built in clusters to leave open areas around them to permit more frequent views of the shoreline. Vista points shall be incorporated as a part of larger projects. The unique characteristics of older communities such as the Carlsbad Village Drive corridor shall be preserved through design requirements which are in accordance with the flavor of the existing neighborhood. (Ord. NS-365 § 5, 1996)
Chapter 21.41

SIGN ORDINANCE

Sections:

21.41.005 Purpose.
21.41.010 Applicability.
21.41.020 Definitions.
21.41.025 General provisions.
21.41.030 Prohibited signs.
21.41.040 Signs on private property not requiring a sign permit.
21.41.050 Application and permit procedures.
21.41.060 Sign programs and modified sign programs.
21.41.070 General sign standards.
21.41.080 Sign design standards.
21.41.090 Coastal zone sign standards.
21.41.095 Permitted permanent signs.
21.41.100 Permitted temporary signs.
21.41.110 Construction and maintenance.
21.41.120 Removal of signs.
21.41.125 Appeal of denial or revocation.
21.41.130 Nonconforming signs.
21.41.140 Remedies and penalties.
21.41.150 Violations.
21.41.160 Severability.


21.41.005 Purpose.
A. The purposes of the sign ordinance codified in this chapter include to:

1. Implement the city’s community design and safety standards as set forth in the general plan;
2. Maintain and enhance the city’s appearance by regulating the design, character, location, number, type, quality of materials, size, illumination and maintenance of signs;
3. Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other noncommunicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in traffic and pedestrian safety and community aesthetics;
4. Eliminate the traffic safety hazards to pedestrians and motorists posed by off-site signs bearing commercial messages;
5. Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;
6. Allow the communication of information for commercial and noncommercial purposes without regulating the content of noncommercial messages;
7. Allow the expression of political, religious and other noncommercial speech at all times and allow for an increase in the quantity of such speech in the period preceding elections;
8. Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs which facilitate the safe and smooth flow of traffic (i.e., traffic directional signs) without an excess of
signage which may distract motorists, overload their capacity to quickly receive information, visually obstruct traffic signs or otherwise create congestion and safety hazards;

9. Minimize the possible adverse effects of signs on nearby city and private property;

10. Serve the city’s interests in maintaining and enhancing its visual appeal for tourists and other visitors, by preventing the degradation of visual quality which can result from excess signage;

11. Protect the investments in property and lifestyle quality made by persons who choose to live, work or do business in the city;

12. Defend the peace and tranquility of residential zones and neighborhoods by generally forbidding commercial signs on private residences, while allowing residents the opportunity, within reasonable limits, to express political, religious and other noncommercial messages from their homes; and

13. Enable the fair, consistent and efficient enforcement of the sign regulations of the city. (Ord. CS-226 § I, 2013)

21.41.010 Applicability.
A. The provisions of this chapter shall apply generally to all zones established by this title.
B. Properties and uses in the village review (VR) zone are regulated first by the sign standards of the Carlsbad village master plan and design manual, and then, to the extent not covered by said master plan and design manual, by the provisions of this chapter.
C. Signs on city property, both within the village review zone and other zones, are controlled by other provisions of the Carlsbad Municipal Code, not by this chapter.
D. In those areas of the city where master plan or specific plan sign standards or sign programs are adopted by ordinance as special zoning regulations, those sign standards or sign programs shall apply; however, the “message substitution” provisions of this chapter, Section 21.41.025(A)(2), shall apply to such programs and plans.
E. All other sign programs that were approved prior to the effective date of this chapter, but not by ordinance, are subject only to the “message substitution” provisions of this chapter (Section 21.41.025(A)(2)).
F. Except as noted in the preceding paragraph, a sign, as defined in this chapter, may be affixed, erected, constructed, placed, established, mounted, created or maintained only in conformance with the standards, procedures and other requirements of this chapter. The standards regarding number and size of signs regulated by this chapter are maximum standards, unless otherwise stated. (Ord. CS-226 § I, 2013)

21.41.020 Definitions.
A. Whenever the following terms are used in this chapter, they shall have the meaning established by this section:
   1. “Abandoned sign” means any sign that meets any of the following criteria:
      a. Sign is located on property that becomes vacant or unoccupied for a period of at least ninety days,
      b. Sign which pertains to any occupant or business unrelated to the premises’ present occupant or business, or
      c. Sign which pertains to a time, event or purpose which no longer applies.
   2. “Abate” means to put an end to and physically remove. Discontinuance of a sign without removal of the entire sign structure shall not constitute abatement.
4. “Address sign” means the identification of the location of a building or use on a street by a number(s).

5. “A-frame sign” means a freestanding sign designed to be easily movable and to rest on the ground without being affixed to any object or structure. Such signs are commonly in the shape of the letter “A,” but may also be in the shape of an inverted letter “T” or a letter “H,” functionally similar signs are also within this definition.

6. “Animated sign” means any sign with action or motion or color changes, whether or not requiring electrical energy or set in motion by wind. This definition excludes flags and does not apply to electronic message boards or digital displays.

7. “Attraction board” means a sign capable of supporting copy which is readily changeable, such as theater marquee, and which refers to products, services or coming events on the premises.

8. “Average grade” means the average level of the finished surface of the ground directly beneath a monument or pole sign.

9. “Awning sign” means a sign that is a part of, or attached to, an awning, canopy or other fabric, metal, plastic or structural protective cover over a door, entrance, window, architectural feature or outdoor service area. A marquee is not an awning or canopy.

10. “Balloon” means a small inflatable device used for purposes of commercial signage, advertising or attention getting. See also “inflatable signs.”

11. “Banner” means any sign made of cloth, lightweight fabric, bunting, plastic, vinyl, paper or similar material that is permanently or temporarily placed on, or affixed to, real property in a location where it is visible to the public from outside of the building or structure. A flag, as defined, shall not be considered a banner.

12. “Beacon” means a stationary or revolving light (including laser lights, klieg lights, spot lights, search lights, projected image signs and similar devices) with one or more beams projected into the atmosphere or directed at one or more points away from the light source and used for purposes other than police, fire, public safety or news gathering operations.

13. “Bench sign” means a sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

14. “Billboard” means a permanent structure sign in a fixed location which meets any one or more of the following criteria:
   a. The sign is used for the display of off-site commercial messages;
   b. The sign is used for general advertising for hire;
   c. The sign is not an accessory or auxiliary use serving a principal use on the same parcel, but rather is a separate or second principal use of the parcel;
   d. The sign is a profit center on its own, and in the case of multiple principal uses on the same parcel, the sign is distinct from the main operations of the principal use on the parcel;
   e. The sign is a non-accessory use.

15. “Building elevation” means the front, rear or side of the external face of a building.

16. “Building frontage” means the total width of the elevation of a building which fronts on a public or private street or the building elevation along which the main entrance exists. For the purposes of calculating permitted sign area, every building has only one building frontage. If more than one business is located in a single building, then such area shall be limited to that portion which is occupied by each individual business or establishment.

17. “Building marker” means a sign cut into a masonry surface or made of bronze or similar material permanently affixed to a public building or building of designated historic significance.
18. “Bus stop signs” means a sign mounted on a shelter which serves as a bus stop or passenger waiting area for public transportation; this definition does not include devices giving the schedule and/or prices for the transportation service.


20. “Changeable copy sign” means a sign or portion thereof with characters, letters or illustrations that can be physically or mechanically changed or rearranged without altering the face or the surface of the sign. This does not include a digital display.

21. “Channel lettered sign” means a sign with individually cut, three dimensional letters or figures affixed to a building or sign structure.

22. “City property” means all land located within the corporate limits of the city to which the city holds the present right of possession and control, or is part of the public right-of-way located within the city. The definition also includes facilities and properties owned or operated by the city.

23. “Commercial center” means a commercial development that includes predominantly retail businesses with access driveways or parking spaces shared by one or more of the businesses.

24. “Commercial mascot” means a live person or animal attired or decorated with commercial insignia, images or symbols, and/or holding signs displaying commercial messages. Includes sign twirlers and sign clowns, but does not include hand-held signs displaying noncommercial messages.

25. “Commercial signage” or “commercial message” means any sign or sign copy with wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity or which proposes a commercial transaction or relates primarily to commercial or economic interests.

26. “Construction sign” means a temporary sign displayed on real property on which construction of new improvements is occurring during the time period which begins with the issuance of the first necessary permit for the construction and ends with the latest of any of the following, or their functional equivalents: notice of completion or certificate of occupancy.

27. “Cornerstone” means stone or other wall portion laid at or near the foundation of a building and which indicates in permanent markings the year of construction. Also called “foundation stone.”

28. “Digital display” means a physical method of image presentation using LCD (liquid crystal display), LED (light emitting diode), plasma displays, projected images, or other functionally equivalent display technologies. Signs using such display methods are called by various names, including, CEVMS (commercial electronic variable message signs or changeable electronic variable message signs), electronic message boards, electronic reader boards, dynamic signs, digital signs, electronic signs, message centers and similar terms.

29. “Directional sign” means an on-site sign designed to guide or direct pedestrian or vehicular traffic to uses on the same site.

30. “Directory sign” means a sign listing the persons, activities or tenants located on-site.

31. “Eaveline” means the bottom of the roof eave or parapet.

32. “Establishment” means any organization or activity which uses land for purposes other than residential use. It includes all business and commercial uses, as well as institutional, public, semi-public and other noncommercial uses but does not include private residential uses; however hotels, motels, inns, bed and breakfast places, etc. are within this definition. Automated facilities, which have live persons in attendance only during limited or maintenance hours (i.e., power transformer stations, broadcasting towers, water tanks, weather data collection stations, vending machines, etc.) are not within this definition.

33. “Externally illuminated” means illuminated by a light source that is located externally to the sign surface. This method of lighting may include, but is not limited to, spotlighting or backlighting.
34. “Facade sign” means a sign fastened to the exterior walls of a building exposed to public view. See also “wall sign.”
35. “Fascia sign” means a sign fastened to or engraved in the band or board at the edge of a roof overhang.
36. “Flag” means a device, generally made of flexible materials such as cloth, fabric, paper or plastic, usually used as a symbol of a government, political subdivision, public agency, company logo, belief system or concept.
37. “Freestanding commercial building” means a building occupied by a single user retail business, or a noncommercial use located in a zoning district where commercial activities are allowed, that has direct vehicular access to an adjacent street.
38. “Freestanding sign” means a sign supported upon the ground and not attached to any building. This definition includes monument signs and pole signs.
39. “Freeway service station” means a gas/service station located on a property that is contiguous to a freeway interchange.
40. “General advertising” means the enterprise of offering sign display space for a fee or other consideration to a variety of advertisers, commercial or noncommercial.
41. “Hand held” means those signs or visual communication devices which are held by or otherwise mounted on human beings or animals.
42. “Inflatable signs” or “inflatable attention-getting devices” means any device filled with air or gas, that is, attached or tethered to the ground, site, merchandise, building or roof and used for the purposes of commercial signage, advertising or attention getting. Commercial advertising blimps, when tethered, are within this definition.
43. “Internally illuminated” means the illumination of the sign face from behind so that the light shines through translucent sign copy or lighting via neon or other gases within translucent tubing incorporated onto or into the sign face.
44. “Logo” means a trademark or symbol of an organization, belief system or concept.
45. “Marker board” means a board designed for displaying images made by chalk, markers or similar devices; includes devices commonly known as blackboards, whiteboards and chalkboards. Also includes devices sold under commercial names such as Promethean Boards, Activeboards, and functionally similar devices.
46. “Marquee” means a permanent canopy structure attached to and supported by a building and projecting near or over private sidewalks or public rights-of-way, generally located near the entrance to a hotel, theater or entertainment use, and used as a display surface for a sign message.
47. “Master plan” means a plan prepared and adopted pursuant to Chapter 21.38 of this code.
48. “Mobile billboard” means a vehicle for which the primary use is the display of general advertising message(s).
49. “Monument sign” means a freestanding sign, which is supported by a base that rests upon the ground and of which the display or copy is an integral part of the design. A monument sign does not include poles or pylons. Contrast; pole sign.
50. “Multi-face sign” means a sign displaying information on at least two surfaces, each having a different orientation, or on a curved surface so that the copy or image is different when viewed from different angles.
51. “Multi-tenant building” means a nonresidential building in which there exists two or more separate nonresidential tenant spaces, businesses or establishments.
52. “Neon sign” means a sign that utilizes neon or other fluorescing, inert or rarified gases within translucent tubing in or on any part of the sign structure.
53. "Noncommercial message" means any image on a sign which conveys or expresses commentary on topics of public concern and debate, including, by way of example and not limitation, social, political, educational, religious, scientific, artistic, philosophical and charitable subjects. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit concerns.

54. "Nonconforming sign" means any sign which was legally established in conformance with all applicable laws in effect at the time of original installation but which does not conform to the requirements of this chapter or other later enactments.

55. "On-site sign" means a sign displaying a commercial message which relates or pertains to the business conducted, services available or rendered or goods available for sale, rent or use, upon the same premises where the sign is located. On-site can mean more than the exact same parcel or premises, upon which the sign is located if that site is part of a larger commercial center, as to any store, business, or establishment that is within the commercial center. A sign program may define "on-site" in a manner which applies only to that program. The on-site/off-site distinction applies only to commercial messages.

56. "Off-site sign" means any sign that gives directions to or identifies a commercial use, product or activity not located or available on the same premises as the sign. The on-site/off-site distinction applies only to commercial messages. There is no location criterion for noncommercial messages.

57. "Pennant" means an individual or a series of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, designed to move in the wind.

58. "Permanent sign" means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. The message display of a sign may be changed without affecting its character as a permanent sign.

59. "Person" means any natural person, marital estate, sole proprietorship, partnership, limited partnership, corporation (of any type or form, regardless of where incorporated), trust, association, limited liability company, unincorporated association or any other juridical person capable of legally owning, occupying or using land.

60. "Pole sign" means a freestanding sign that is greater than six feet in height and is supported by one or more vertical supports. The definition applies even if the support poles or pylons are covered with cladding or skirting.

61. "Portable sign" means a sign made of any material which, by its design, is readily movable including, but not limited to, signs on wheels, casters and rollers, "A-frame" signs and signs attached to vehicles or trailers or water vessels.

62. "Premises" means the place where a business or other establishment is located. If there is only one business or establishment on the legal parcel, then the entire parcel is the premises. If there is more than one business or other establishment on a single parcel, then the premises is the portion of the parcel actually occupied or exclusively used by the business or other establishment, except that signs relating to the owner or manager of the entire parcel may be considered on-site when placed anywhere on the parcel.

63. "Prohibited sign" means any sign that is specifically not permitted by this chapter or was erected without complying with the regulations of this chapter in effect at the time of construction, display or use.

64. "Projecting sign" means a sign which projects more than ten inches from a wall or other vertical surface, generally at about ninety degrees.
65. “Property owner” means the owner of the property on which the sign is displayed or proposed to be displayed. When the property is land, “owner” includes the legal owner according to the official land records of the San Diego County Recorder, all beneficial owners thereof and all persons presently holding a legal right to possession of the subject property.

66. “Regional commercial center” means a commercial development located upon a property with a regional commercial general plan land use designation and having the following characteristics: project site area between thirty and one hundred acres; gross lease area between three hundred thousand and one million five hundred thousand square feet; major tenants may include full-line department stores (two or more), factory outlet centers, power centers of several high volume specialty stores, warehouse club stores or automobile dealerships; secondary tenants may include a full range of specialty retail, restaurants and entertainment. A center is still within this definition even if it includes one or more noncommercial uses.

67. “Right-of-way” means an area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

68. “Roof sign” means a sign erected and constructed wholly or in part upon, against or above the roof of a building. For purposes of this chapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

69. “Shopping complex” means the same as “commercial center.”

70. “Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, image or writing to advertise, announce the purpose of, identify a person, product, service or entity or to communicate information of any kind to the public. However, the following are not within the definition of “sign” for the regulatory purposes of this chapter:
   a. Any public or legal notice required by a court or public agency;
   b. Decorative or architectural features of buildings (not including letters, trademarks or moving parts);
   c. Holiday decorations and lights, in season, clearly incidental to and associated with holidays or cultural observances and which are on display on a given parcel for not more than forty-five calendar days in a calendar year;
   d. Building markers, as defined herein;
   e. Cornerstones, as defined herein;
   f. Symbols or insignia which are an integral part of a doormat or welcome mat, or embedded directly into the sidewalk or entrance surface, so long as such device is otherwise legal and is located entirely on private property and on the ground or sidewalk;
   g. Items or devices of personal apparel or decoration but not including hand held signs or commercial mascots;
   h. Marks on tangible goods, which identify the maker, seller, provider or product, as such are customarily used in the normal course of the trade or profession;
   i. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; by way of example and not limitation: stained glass windows, carved doors or friezes, church bells and decorative fountains;
   j. Property entry and security protection notices and signs warning of dangers or health and safety policies, such as, by way of example and not limited to, “Beware of Dog,” “Danger High Voltage,” “No Shirt No Service,” etc., when such are not over one square foot on residential uses or two square feet on other uses and firmly affixed to their mounting surface or device;
k. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;
l. Devices which are located entirely within an enclosed structure and are not visible from the exterior thereof;
m. Advertisements or banners mounted on or towed behind free-flying airborne vessels or craft, such as airplanes, dirigibles, untethered blimps and the like;
n. Advertisements or banners mounted on trains or other mass transit vehicles which legally pass through the city;
o. License plates, license plate frames, registration insignia and noncommercial messages on street legal vehicles and properly licensed watercraft and messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages on the vehicle or watercraft relating to the proposed sale, lease or exchange of the vehicle or vessel;
p. Messages on golf carts, wheelchairs, personal scooters, human powered taxis, shopping carts or other small wheeled vehicles. Signs on any motorized device which may legally travel upon public roads or highways is not within this definition;
q. Vending machines which do not display general advertising;
r. Automated teller machines at banks and facilities for walk up and drive up service at banks, credit unions and similar establishments;
s. Murals, paintings and similar pictorial displays that are painted directly onto a building and are not intended to draw attention to any use, product, service or event.

71. “Sign area” means the display or message area of the sign. The methods of computing sign area are detailed in Section 21.41.070.A.
72. “Sign height” means the height of the highest point on the sign structure above grade or ground beneath. The methods of calculating sign height are stated in Section 21.41.070.B.
73. “Sign permit” means an entitlement from the city to place or erect a sign.
74. “Sign program” means a plan that integrates signs for a project with buildings, circulation and landscaping to form a coordinated architectural statement.
75. “Site development plan” means a plan required pursuant to Chapter 21.06 of this code.
76. “Specific plan” means a plan prepared and adopted pursuant to Section 65451 of the California Government Code.
77. “Street frontage” means the distance along which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street. Corner lots have at least two street frontages.
78. “Suspended sign” means a sign hung from the underside of a marquee, pedestrian arcade or covered walkway, usually at approximately ninety degrees to the building wall or storefront.
79. “Tall freestanding sign” means a monument or pole sign that is greater than fifteen feet in height.
80. “Temporary seasonal sales permit” means a permit to allow outdoor seasonal and holiday sales, including, but not limited to, Christmas trees, pumpkins and flowers, on private property.
81. “Temporary sign” means a sign, including paper, cardboard wood, plastic, synthetic, fabric or similar materials, which by virtue of its physical nature is not suitable for long term display or permanent mounting.
82. “Traffic directional sign” means a sign which indicates place, location or direction for the information of drivers or pedestrians.
83. “Unsafe sign” means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property on account of the condition of the physical structure of the sign or its mounting mechanism. A sign may not be considered “unsafe” within this definition by virtue of the message displayed thereon.

84. “Vehicle sign” means a sign mounted upon a vehicle which may legally be parked on or move on public roads, as well as a sign mounted upon a water vessel which may legally move upon the waters.

85. “Vessel sign” means a sign mounted upon a water vessel which may legally move upon the waters.

86. “Wall sign” means a sign attached to a wall surface that does not project or extend more than ten inches from the wall, which is confined within the limits of an outside wall and which displays only one display surface.

87. “Window sign” means any sign painted or affixed to the inside or outside of a window surface or otherwise located within a building so as to be visible from the exterior of the building. This definition does not include window displays of merchandise offered for sale. (Ord. CS-261 § I, 2014; Ord. CS-226 § I, 2013)

21.41.025 General provisions.
A. The provisions stated in this section apply to all signs within the regulatory scope of this chapter, and override more specific provisions to the contrary elsewhere in this chapter.

1. Owner’s Consent Required.
   a. The consent of the property owner is required before any sign may be displayed on any real or personal property within the city;
   b. In the case of city property, the owner’s consent shall be pursuant to other provisions of the Carlsbad Municipal Code.

   a. Subject to the owner’s consent, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed pursuant to this chapter.
   b. Design criteria which may apply to commercial signs, such as color, lettering style or height, and compatibility with other signs on the same parcel or other signs subject to a sign program, do not apply to noncommercial message signs even when they are in an area subject to a sign program, master plan or specific plan.
   c. Message substitution is a continuing right and may be exercised any number of times, in whole or in part.
   d. No special or additional permit is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign is already permitted or exempt from the permit requirement and the sign structure satisfies all applicable laws, rules, regulations and policies.
   e. When a noncommercial message is substituted for any other message, the sign is still subject to the same location and structure regulations, such as size, height, illumination, duration of display, building and electrical code requirements, as would apply if the sign were used to display a commercial message or some other noncommercial message.
   f. This substitution provision shall prevail over any other provision to the contrary, whether more specific or not, in this chapter and applies retroactively to sign programs, master plans and specific plans which were adopted or approved before this chapter was enacted.
   g. This provision does not:
i. Create a right to increase the total amount of signage on a parcel, lot or land use;
ii. Authorize the physical expansion of an existing sign;
iii. Affect the requirement that a sign structure or mounting device be properly permitted;
iv. Allow a change in the physical structure of a sign or its mounting device; or
v. Allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

h. In addition to the noncommercial message display allowable under this provision, on any legal parcel, any unutilized sign display area which is available as a matter of right (i.e., not including display area available under some discretionary approval process), may be used to display noncommercial messages; a permit for such signage is required only when the physical structure or mounting device is subject to a building permit under the building code and/or an electrical permit under the electric code.

   a. In addition to the sign display area available under the message substitution provision, signs displaying noncommercial messages only are allowable at all times and on all parcels, subject to the following regulations:
      i. A sign permit is required only if the sign qualifies as a structure requiring a building permit or an electrical permit;
      ii. On parcels where the principal use is residential, the allowable display area is eight square feet per residential unit at all times;
      iii. On parcels where the principal use is anything other than residential, the allowable display area is eight square feet per nonresidential establishment at all times; and
      iv. The allowable display space for noncommercial speech is increased by twenty-five percent during the time period which begins thirty days before a primary, general, or special election and ends within five days following the closing of the polls.

4. Legal Nature of Sign Rights and Duties.
   a. All rights, duties and responsibilities related to permanent signs attach to the land on which the sign is mounted, affixed or displayed and run with the land.
   b. The city may demand compliance with this chapter and with the terms of any sign permit from the permit holder, the owner of the sign, the property owner or the person mounting the sign.

5. Transfer of Signage Rights.
   a. Rights and duties relating to permanent signs may not be transferred between different parcels of real property.
   b. All duly issued and valid sign permits for permanent signs affixed to land shall automatically transfer with the right to possession of the real property on which the sign is located.
   c. This provision does not affect the ownership of signs, and does not prevent a given sign from being moved from one location to another, so long as the sign is properly permitted in the new location.

6. Compliance.
   a. Responsibility for compliance with this chapter is joint and severable as to all persons erecting, mounting, displaying or modifying any sign, all persons in control and custody of the property on which a sign is displayed, and the persons who are legal owners of record of the property on which a sign is displayed.

7. Discretionary Approvals.
21.41.030  

a. Whenever any sign permit, variance, CUP, sign program or special planning area approval, or other sign-related decision, is made by any exercise of official discretion, such discretion shall be exercised only as to the noncommunicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale and mass of the structure, etc.

b. Graphic design may be evaluated only for a sign program, and then only as applicable to commercial message signs.

8. Mixed Use Zones or Overlay Districts.

a. In any zone where both residential and nonresidential uses are allowed, the sign related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows:

i. Residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and

ii. Nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary permit. (Ord. CS-261 § I, 2014; Ord. CS-226 § I, 2013)

21.41.030  Prohibited signs.

A. The following signs, as defined in this chapter, are prohibited in all zones of the city, unless a more specific provision or city policy allows them at certain times and places:

1. Abandoned signs, including their structures and supports;

2. A-frame signs, as defined herein;

3. Animated signs including, but not limited to signs that move, blink, flash, change color, reflect, revolve or make noise;

4. Balloons or other inflatable signs or devices, as defined herein;

5. Beacons, as defined herein;

6. Billboards, as defined herein;

7. Bus stop bench/shelter signs, as defined herein;

8. Digital display signs;

9. Exposed neon lighted signs on any building elevation that faces and is within five hundred feet of any property line that adjoins residentially zoned property;

10. Commercial mascots and hand held or sandwich board signs carried by a person on city property or in the public right-of-way and displaying a commercial message;

11. Marker boards, as defined herein;

12. Mobile billboards or any other type of vehicle that is moving or parked on city streets whose primary purpose is displaying general advertising;

13. Off-site commercial signs excluding real estate for sale signs per Civil Code 713;

14. Portable signs with commercial messages; except for temporary signs as indicated in Sections 21.41.040 and 21.41.100;

15. Roof signs;

16. Signs attached to trees, plants, rocks, fences, utility poles/cabinets or other objects, the primary function of which is not to support a sign;
17. Signs physically blocking or impeding the free passage of persons through doors, fire escapes or public rights-of-way;

18. Signs erected on or over city property including public easements and public rights-of-way, except those needed for traffic and public safety regulation and those erected pursuant to other provisions of the Carlsbad Municipal Code;

19. Signs simulating in color or design a traffic sign or signal or using words, symbols or characters in such a manner as to be reasonably likely to interfere with, mislead or confuse pedestrian or vehicular traffic;

20. Signs that do not conform with applicable Uniform Building Code as adopted by Carlsbad and National Electric Code as adopted by Carlsbad;

21. Temporary signs, including but not limited to banners (i.e.; feather banners) and pennants, except as provided for in Sections 21.41.040 and 21.41.100; and

22. Unsafe signs, as defined in this chapter. (Ord. CS-261 § II, 2014; Ord. CS-226 § I, 2013)

### 21.41.040 Signs on private property not requiring a sign permit.

The signs listed in Table A do not require a sign permit, and their area and number shall not be included in the aggregate area or number of signs subject to a permit requirement, for any given property.

**Table A**

<table>
<thead>
<tr>
<th>Description of Sign</th>
<th>Type of Sign</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign/ Letter Height</th>
<th>Additional Sign Standards - See Sections 21.41.070—21.41.090 and those listed below</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic control, traffic directional or warning signs erected or required by government agencies</strong></td>
<td>Freestanding, wall, banner</td>
<td>1 per building</td>
<td>6 square feet per sign</td>
<td>The minimum height shall be: residential - 4 inches and nonresidential - 12 inches, unless the Fire Marshal requires a greater height</td>
<td></td>
</tr>
<tr>
<td><strong>Address sign</strong></td>
<td>Wall</td>
<td>1 per building</td>
<td>6 square feet per sign</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Noncommercial message signs on residential and nonresidential property</strong></td>
<td>Wall, freestanding, or window</td>
<td>8 square feet per residential unit; 8 square feet per nonresidential establishment</td>
<td>6 feet above average grade or 3.5 feet above average grade if in the front yard</td>
<td>May not be illuminated</td>
<td></td>
</tr>
<tr>
<td><strong>Additional political and other noncommercial message signs on private property during campaign</strong></td>
<td>Freestanding</td>
<td>2 square feet per residential unit; 2 square feet per nonresidential establishment</td>
<td>6 feet above average grade or 3.5 feet above average grade if in the front yard</td>
<td>1. May be located on any private property, with owner’s consent 2. Display time limited to 30 days</td>
<td></td>
</tr>
</tbody>
</table>

928
<table>
<thead>
<tr>
<th>Description of Sign</th>
<th>Type of Sign</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign/Letter Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>periods</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Window signs located in commercial centers and freestanding commercial buildings</td>
<td>Window</td>
<td></td>
<td>Total copy area shall not exceed 25% of the window area</td>
<td>7 feet above average grade/6 inches</td>
</tr>
<tr>
<td>Freestanding sign on single dwelling unit or condominium unit - property which is for rent, sale or lease (displayed on the owner’s real property or real property owned by others with their consent [pursuant to California Civil Code Section 713])</td>
<td>Freestanding</td>
<td>1 per dwelling unit</td>
<td>4 square feet per sign</td>
<td>6 feet above average grade/6 inches</td>
</tr>
<tr>
<td>Shall be removed from the building or property within 15 days after the sale, rental or lease</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flags in nonresidential zones</td>
<td>Pole: freestanding or mounted on the side of a building</td>
<td>Maximum of 3 flags per nonresidential establishment</td>
<td>24 square feet per flag</td>
<td>Flag pole height: The lesser of 35 feet or the height of the tallest legally</td>
</tr>
</tbody>
</table>
Description of Sign | Type of Sign | Maximum Number of Signs | Maximum Sign Area | Maximum Sign/Letter Height | Additional Sign Standards - See Sections 21.41.070—21.41.090 and those listed below
---|---|---|---|---|---
Flags in residential zones | Pole: freestanding or mounted on the side of a building | Maximum of 2 flags per occupied dwelling unit | 24 square feet per flag | Flag pole height: the lesser of 35 feet or the height of the tallest legally permitted structure existing on the premises | Flags with commercial images are not allowed in residential zones
Temporary signs attached to parked or stationary vehicles visible from the public right-of-way | Window (inside) | 2 per vehicle | 10 inches by 12 inches per sign | No limitation if sign is not visible from public right-of-way
Signs permanently attached to or painted on vehicles, with non-changeable copy, used in the day-to-day operations of a business | | | | Does not apply to “general advertising” or “mobile billboards”

(Ord. CS-226 § I, 2013)

21.41.050 Application and permit procedures.

A. Sign Permit Required.

1. It shall be unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a change in sign copy or sign face), move or display any temporary or permanent sign within the city without first obtaining a sign permit in accordance with the provisions of this section, unless the sign is exempt from the permit requirement under Section 21.41.040.

2. The regulations contained in this section apply to sign permits which are not associated with a sign program. Permit applications for sign programs are regulated by Section 21.41.060.

3. A sign permit shall not be required for cleaning or other normal maintenance of an existing sign, unless a structural or electrical change is made.

4. No sign permit is required when a political, religious or other noncommercial message is substituted for another commercial message on a pre-existing sign or when a noncommercial message is substituted for a noncommercial message on a properly permitted sign.

5. In the coastal zone, unless otherwise exempt under applicable policies of the city’s certified LCP, any person proposing signage governed by this chapter shall also obtain a coastal development permit with the exception of a new wall sign or the change of copy of an existing wall sign both of which shall be exempt from this requirement.

B. Application for Permit.
The application for a sign permit shall be made in writing on the form provided by the city planner and shall be accompanied by the required fee. Such application shall set forth and contain the following information:

a. A drawing to scale showing the design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination and showing the relationship to any building or structure to which it is proposed to be installed or affixed or to which it relates;

b. A site plan, including all dimensions, drawn to scale indicating the location of the sign relative to the property line, rights-of-way, streets, sidewalks, vehicular access points and existing buildings or structures and off-street parking areas located on the premises;

c. The number, size, type and location of all existing signs on the same building, lot or premises; and

d. Any structural information and plans necessary to ensure compliance with the latest adopted building code and electrical code.

C. Fees. All signs require a sign permit fee and plan checking fee (if applicable) that shall be paid in accordance with the schedule established by resolution of the city council.

D. Method of Review.

1. The purpose of a sign permit is to ensure compliance with the provisions of this chapter and the relevant building and electrical codes.

2. After receiving a complete sign application, the city planner shall render a decision to approve, approve with modifications or deny such sign application within fifteen days; however, an approval with modifications shall be limited to requiring compliance with this chapter.

3. The application shall be approved and the permit issued whenever the proposed sign meets the following requirements:

a. The proposed sign conforms to all size, height and other standards for signs subject to a permit requirement as such requirements are set forth in this chapter;

b. The proposed sign is consistent with any applicable sign program; and

c. The sign conforms to the construction standards of the latest adopted building and electrical codes.

E. Revocation or Cancellation of Permit.

1. The city planner shall revoke any issued permit upon refusal of the holder thereof to comply with the terms of the permit and/or the provisions of this chapter after written notice of noncompliance and fifteen days opportunity to cure.

2. If the work authorized under a sign permit has not been completed within six months after the date of issuance, such permit shall become null and void. (Ord. CS-261 § III, 2014; Ord. CS-226 § I, 2013)

21.41.060 Sign programs and modified sign programs.

A. Purpose. The purpose of a sign program is to integrate signs with a project’s building, site and landscaping design to form a unified architectural statement.

B. Applicability.

1. A sign program shall be required for:

a. Master plans,

b. Specific plans,
c. Nonresidential projects requiring a site development plan processed pursuant to Chapter 21.06 of this code, and

d. Industrial or office developments of greater than ten acres in area.

2. A sign program may be proposed for all other types of development projects or discretionary permits not listed in paragraph 1 of this subsection B.

3. For those projects requiring or proposing a sign program, no sign permit shall be issued for an individual sign, unless, and until, a sign program for the project, lot or building on which the sign is proposed to be erected has been approved by the city in conformance with this chapter.

C. Sign Programs and Sign Standards Modifications. Sign programs may establish standards for sign area, number, location, and/or dimension that vary from the standards of this chapter as follows:

1. A sign program that complies with the standards of this chapter shall require the approval of a ministerial sign program application by the city planner provided that all of the findings of fact listed in subsection G of this section can be made.

2. A sign program proposal that exceeds the standards of this chapter by up to fifteen percent shall require the approval of a modified minor sign program discretionary application by the city planner provided that all of the findings of fact listed in subsection H of this section can be made.

3. A sign program proposal that exceeds the standards of this chapter by greater than fifteen percent up to thirty percent requires the approval of a modified sign program discretionary application by the planning commission provided that all of the findings of fact listed in subsection H of this section can be made.

4. When calculating the permitted number of signs allowed by a sign program, if the calculation results in a fractional sign of one-half or greater, then the fraction may be rounded up to the next whole number. If the calculation results in a fractional sign of less than one-half, then the fraction shall be rounded down to the next whole number.

5. When calculating the permitted number of signs allowed by a modified sign program, if the calculation results in a fractional sign, then the fractional sign may be rounded up to the next whole number.

6. Sign program design standards shall not apply to noncommercial messages.

7. All sign programs must incorporate the provisions for substitution of noncommercial messages as specified in Section 21.41.025.A.2. Message substitution applies but may not override contrary provisions in leases.

8. In the absence of a master or specific plan, the sign program application may not be used to permit a sign type which is otherwise prohibited.

D. Application and Fees.

1. An application for a sign program, modified minor sign program or modified sign program may be made by the owner of the property affected or the authorized agent of the owner.

2. The application for a sign program, modified minor sign program or modified sign program shall be made in writing on the form provided by the city planner.

3. The application shall be accompanied by the required fee contained in the most recent fee schedule adopted by the city council.

4. The application shall state fully the circumstances and conditions relied upon as grounds for the application.

5. The application shall contain the following information:

   a. A copy of an approved development plan (master plan, specific plan, planned industrial permit, site development plan or other approved development project or discretionary permit) drawn to scale showing the location of property lines, rights-of-way, adjacent streets,
sidewalks and on-site buildings, landscaped areas, off-street parking areas and vehicular access points;

b. A drawing to scale showing the design of each sign, including dimensions (height and width), sign size (area), colors, materials, method of attachment, source of illumination and location of each sign on any building, structure or property;

c. Computation of the total number of signs, sign area for individual signs, total sign area and height of signs for each existing and proposed sign type;

d. A materials board or sign sample that is an accurate representation of proposed colors, material and style of copy; and

e. The number, size, type and location of all existing signs on the same building, lot or premises.

E. Notices and Hearings.

1. Notice of an application for a modified minor sign program shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.

2. Notice of an application for a modified sign program shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title.

F. Decision-Making Authority. Applications for a modified minor sign program or a modified sign program shall be acted upon in accordance with the following:

1. Modified Minor Sign Program.

a. An application for a modified minor sign program may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.

b. The city planner may approve or conditionally approve the modified minor sign program if all of the findings of fact in subsection H of this section are found to exist.

2. Modified Sign Program.

a. An application for a modified sign program may be approved, conditionally approved or denied by the planning commission or city council, as specified in Section 21.54.040 of this title.

b. The decision on the modified sign program shall be based on the decision-making authority’s review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.

c. The decision-making authority shall hear the matter, and may approve or conditionally approve the sign program if all of the findings of fact in subsection H of this section are found to exist.

G. Findings of Fact for Sign Programs that Comply with Standards of this Chapter. A proposed sign program will be approved only upon the following findings:

1. All signs comply with the sign area, number, height, location and other sign standards as set forth in this chapter.

2. The signs have been integrated with the project’s building, site and landscaping design to form a unified architectural statement.

H. Findings of Fact for Modified Minor Sign Programs or Modified Sign Programs that Vary from the Standards of this Chapter. A modified minor sign program or modified sign program that varies from the standards of this chapter shall be approved only upon the following findings:
1. The standards established by the modified minor sign program or modified sign program do not exceed any applicable rules or limits in the general plan or local coastal program;
2. The modified minor sign program or modified sign program is necessary to ensure that signs are proportionate to and compatible with the number, size, height, scale and/or orientation of project buildings;
3. The modified minor sign program or modified sign program is necessary to ensure the visibility of the overall development to pedestrians and motorists; and
4. The modified minor sign program or modified sign program is necessary to enhance the overall project design, and the aesthetics and/or directional function of all proposed signs.

I. Announcement of Decision and Findings of Fact. When a decision on a modified minor sign program or modified sign program is made pursuant to this chapter, the decision-making body shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title.

J. Effective Date and Appeals. Decisions on modified minor sign programs and modified sign programs shall become effective and may be appealed in accordance with the applicable provisions of Sections 21.54.140 and 21.54.150 of this title.

K. Expiration, Extensions and Amendments.
1. The expiration period for an approved modified minor sign program or modified sign program shall be as specified in Section 21.58.030 of this title.
2. The expiration period for an approved modified minor sign program or modified sign program may be extended pursuant to Section 21.58.040 of this title.
3. An approved modified minor sign program or modified sign program may be amended pursuant to the provisions of Section 21.54.125 of this title.

L. Existing Sign Programs. Existing sign programs approved prior to the effective date of this chapter are subject only to the message substitution provision of this chapter; all other terms of the existing sign program shall continue in force.

M. Binding Effect. After approval of a sign program, modified minor sign program or modified sign program all signs subsequent thereto shall be erected, constructed, installed, displayed, altered, placed or maintained only in conformance with such program unless and until modified by the procedures outlined herein. (Ord. CS-226 § I, 2013)

21.41.070 General sign standards.
The following sign standards shall apply to all signage within the city.

A. Sign Area. Sign area is computed as follows:
1. Wall, Retaining Wall, Fascia, Awning, Window and Landscape/Hardscape Feature Signs.
   a. Sign area shall be computed by measuring the smallest square, rectangle, triangle, circle or combination thereof, that will encompass the extreme limits of the graphic image, writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the message or display or otherwise used to differentiate the sign from the backdrop or structure against which it is placed.
   b. Sign area does not include any supporting framework or bracing unless such is designed in a way as to function as a communicative element of the sign.
2. Pole Signs. Sign area shall be computed as the area of the surface(s) upon which the sign message is placed including the supporting column(s) if decorated or displayed with advertising.
3. Multi-Faced Signs.
   a. The sign area for a two-sided or multi-faced sign shall be computed by adding together the area of all sign faces visible from any one point.
b. When two sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces.

c. In the case of a sign of spherical or cylindrical shape, the area of the sign shall be one-half of the surface area.

4. Flags, Banners, Pennants, etc. Sign area is the entire surface area, one side only.

5. Monument, Freestanding and Suspended Signs. Sign area shall be computed by measuring the entire area contained within the frame, cabinet, monument, monument base or fixture.

B. Sign Height—Monument, Pole and Freestanding Signs. Sign height is measured as follows: Sign height is specified as the greatest vertical measurement from the top of the sign or sign cabinet, including all ornamentation and supports, to the average grade beneath the sign.

C. Placement of Commercial Signs. Commercial signs shall be placed on the property of the use for which the sign is intended to identify or relate, unless placement on another property is specifically allowed by this chapter or other relevant law.

D. Placement of Noncommercial Messages on Signs.
   1. Noncommercial messages are allowed wherever commercial signage is permitted within Chapter 21.41 and is subject to the same standards and total maximum allowances per lot or building of each sign type specified in this chapter.
   2. A permit is required for a noncommercial message only when the sign structure has not been previously permitted. (Ord. CS-261 § IV, 2014; Ord. CS-226 § I, 2013)

21.41.080 Sign design standards.
Each permanent approved sign shall meet the following design standards.

A. Colors. For commercial messages on signs, fluorescent, “Day-Glo” and similar colors shall not be used.

B. Materials.
   1. All permanent signs shall be constructed of durable materials, which are compatible in kind and/or appearance to the building supporting or identified by the sign.
   2. Such materials may include, but are not limited to:
      a. Ceramic tile,
      b. Sandblasted, hand carved or routed wood,
      c. Channel lettering,
      d. Concrete, stucco or stone monument signs with recessed or raised lettering.

C. Sign Location.
   1. Wall signs must be located below the roofline on structures with pitched roofs. However, wall signs can be located on the parapet of a flat roofed building. Wall signs are not allowed on any equipment enclosure located above the roofline.
   2. Directional signs shall be located to facilitate traffic internal to the site.

D. Relationship to Buildings. Each permanent commercial message sign located upon a premises with more than one main building, such as a commercial, office or industrial project, shall be designed to incorporate the materials common or similar to all buildings.

E. Relationship to Other Signs. Where there is more than one sign on a lot, building or project site, all permanent signs displaying a commercial message shall have designs which similarly treat or incorporate the following design elements:
21.41.090

1. Type of construction materials;
2. Sign/letter color and style of copy;
3. Method used for supporting sign (i.e., wall or ground base);
4. Sign cabinet or other configuration of sign area;
5. Illumination; and
6. Location.

F. Relationship to Streets. Signs shall be designed and located so as not to interfere with the unobstructed clear view of the public right-of-way and nearby traffic regulatory signs of any pedestrian, bicyclist or motor vehicle driver.

G. Sight Distance. No sign or sign structure shall be placed or constructed so that it impairs the city’s sight distance requirements, per city engineering standards, at any public or private street intersection or driveway.

H. Sign Illumination.
   1. Illuminated wall signs are prohibited on any building elevation that faces and is located within three hundred feet of any property line that adjoins residentially zoned property.
   2. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to minimize light spillage onto the public right-of-way or adjacent properties.
   3. Externally illuminated signs shall be lighted by screened or hidden light sources.
   4. Free-standing and building-mounted signs shall either be non-illuminated or externally illuminated, except for signs with opaque backgrounds which give the appearance of individual channel letters and/or changeable copy signs.

I. Logos and Graphics. Corporate logos and graphics may be used in conjunction with allowed signage. Logos, graphics and trademarks are included in total sign area, and are subject to sign height standards, but are not subject to sign letter height standards.

J. Landscaping. Each monument and pole sign shall include landscaping around the base of the sign, at a minimum ratio of two square feet for every one square foot of sign area, so as to protect the sign from vehicles, improve the appearance of the installation and screen light fixtures and other appurtenances. (Ord. CS-226 § I, 2013)

21.41.090 Coastal zone sign standards.

A. The following sign restrictions apply to properties in the coastal zone except the Agua Hedionda Lagoon and Carlsbad Village Review segments. If there is a conflict between the coastal zone sign standards of this section and any regulations of this chapter, the standards of this section shall prevail. Otherwise, within the coastal zone, the sign regulations of this chapter shall apply.
   1. Each business or establishment shall be entitled to one façade sign.
   2. Each shopping complex shall have only one directory sign which shall not exceed fifteen feet in height, including mounding.
   3. Monument sign height including mounding shall not exceed eight feet and shall apply where three or fewer commercial establishments exist on a parcel.
   4. Tall freestanding and roof signs shall not be allowed.
   5. Off-premises signs shall not be allowed. (Ord. CS-261 § V, 2014; Ord. CS-226 § I, 2013)
21.41.095  Permitted permanent signs.
Table B states the criteria for a permit for permanent signs for each type of development and/or corresponding zones. In addition to the type of sign permitted, Table B provides the maximum number, maximum sign area, maximum sign height and letter height, permitted location and other standards.

Table B
Permanent Signs Permitted by Type of Development and Zone With a Sign Permit

<table>
<thead>
<tr>
<th>Type of Development and/or Zone</th>
<th>Type of Sign</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign/Letter Height</th>
<th>Location</th>
<th>Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential Lots</td>
<td>See Section 21.41.100, Permitted Temporary Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Subdivisions, Condominiums, Apartment Projects and Mobile Home Parks</td>
<td>See Section 21.41.040, Signs on Private Property Not Requiring a Sign Permit</td>
<td>Monument</td>
<td>1 per project entrance</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Driveway entrance or at other strategic location</td>
</tr>
<tr>
<td>Commercial Centers and Freestanding Commercial Buildings (located within the C-1, C-2, C-L or C-T zones)</td>
<td>Directory Signs - Wall Mounted or Freestanding</td>
<td>1 per building entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 per driveway entrance</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Driveway entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
<td></td>
</tr>
<tr>
<td>Wall, Fascia or Awning</td>
<td>No maximum number</td>
<td>Total sign area for all wall, fascia or awning signs shall not exceed 1 sq. ft. per each lineal foot of building frontage</td>
<td>Varies/Tenant Leased Space: &lt; 2,500 square feet: 24 inches; 2,500—10,000 square feet: 30 inches; 10,001—50,000</td>
<td>1. Fascia Sign: Centered on Fascia; 2. Awning sign: over doors or windows</td>
<td>The length of any sign shall not exceed 75% of the length of the building frontage or lease space to which the sign</td>
<td></td>
</tr>
<tr>
<td>Type of Development and/or Zone</td>
<td>Type of Sign</td>
<td>Maximum Number of Signs</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign/Letter Height Location</td>
<td>Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below</td>
<td></td>
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<tr>
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<td>pertains (See Notes 2, 3 and 6 below).</td>
<td></td>
</tr>
<tr>
<td>Suspended or Projecting</td>
<td>1 per establishment</td>
<td>6 square feet per sign</td>
<td>Minimum 8-foot clearance from finished grade to bottom of sign</td>
<td>Suspended - Underside of walkway overhang at 90 degrees to the business establishment</td>
<td>Suspended may not be internally illuminated</td>
<td></td>
</tr>
<tr>
<td>Directional Sign</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-Thru Facilities</td>
<td>Reader Board Wall or Monument</td>
<td>Restaurants: 2 per existing establishment; other non-restaurant drive-thru facilities: 1 per establishment</td>
<td>24 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Reader boards are allowed in addition to other signs permitted for commercial centers and freestanding commercial buildings.</td>
<td></td>
</tr>
<tr>
<td>Regional Commercial Center</td>
<td>Pole</td>
<td>1 per center</td>
<td>150 square feet per sign</td>
<td>35 feet above average grade</td>
<td>Primary project entrance or in a location approved by the city planner. Pole sign is allowed in addition to other signs permitted for commercial centers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Digital Display</td>
<td></td>
<td></td>
<td></td>
<td>Regional commercial centers that satisfy all of the following criteria: (1) are designated Regional Commercial (R) by the General Plan, (2) are located within a master plan or specific plan.</td>
<td></td>
</tr>
<tr>
<td>Type of Development and/or Zone</td>
<td>Type of Sign</td>
<td>Maximum Number of Signs</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign/ Letter Height</td>
<td>Location</td>
<td></td>
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<tr>
<td>--------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Office, Industrial and Commercial Uses in the R-P, O, C-M, P-M, and M Zones</td>
<td>Monument</td>
<td>1 per lot</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary driveway entrance or at other strategic location</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Directional Signs</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>Buildings less than 50,000 square feet in area: 2 signs per building (1 sign per building elevation)</td>
<td>50 square feet per sign</td>
<td>24 inches</td>
<td>(See Notes 3 through 6 below)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building</td>
<td>Buildings 50,000—100,000 square feet in area: 4 signs per building (2 signs per building elevation)</td>
<td>60 square feet per sign</td>
<td>36 inches</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buildings</td>
<td>70 square feet</td>
<td>48 inches</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below

and (3) have frontage on a freeway (I-5 or SR 78) may include digital display sign(s) subject to the approval of a conditional use permit (CUP) by the city council. The CUP will include detailed digital display sign development standards and is subject to required findings by the city council.
<table>
<thead>
<tr>
<th>Type of Development and/or Zone</th>
<th>Type of Sign</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign/Letter Height</th>
<th>Location</th>
<th>Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office or Industrial Establishment with a Separate Building Entrance in a Multitenant Building</td>
<td>Wall or Fascia</td>
<td>1 per establishment</td>
<td>8 square feet per sign</td>
<td>12 inches</td>
<td>Directly above entrance</td>
<td>Allowed in addition to wall signs permitted for buildings in the R-P, O, C-M, P-M and M zones</td>
</tr>
<tr>
<td>Ground Floor Commercial Establishment with a Separate Building Entrance in a Multitenant Building Located in the R-P, O, C-M, P-M and M Zones</td>
<td>Wall or Fascia</td>
<td>1 per establishment</td>
<td>20 square feet per sign</td>
<td>18 inches</td>
<td>1. Wall Sign: not permitted above the plate height elevation of the ground floor; 2. Fascia Sign: centered on fascia, directly above establishment entrance</td>
<td></td>
</tr>
<tr>
<td>Commercial Establishment with a Separate Building Entrance in a Multitenant Building Located in the R-P, O, C-M, P-M and M Zones</td>
<td>Suspended</td>
<td>1 per establishment</td>
<td>5 square feet per sign</td>
<td>Minimum 8-foot clearance from finished grade to bottom of sign</td>
<td>Underside of walkway overhang at 90 degrees to the commercial business establishment</td>
<td>May not be internally illuminated</td>
</tr>
<tr>
<td>Office/Industrial Parks</td>
<td>Park Identification Sign</td>
<td>1 per each park entrance that is located along an arterial road</td>
<td>75 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Near primary park entrances</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td>Monument</td>
<td>1 per driveway entrance</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td>Wall or Fascia or Awning</td>
<td>2 Wall or Fascia or Awning Signs per street frontage</td>
<td>Total sign area for all wall, fascia or awning signs (per building) shall</td>
<td>24 inches</td>
<td>1. Fascia Sign: Centered on Fascia; 2. Awning Sign: Over doors or</td>
<td>(See Notes 2, 3, and 6 below)</td>
<td></td>
</tr>
<tr>
<td>Type of Development and/or Zone</td>
<td>Type of Sign</td>
<td>Maximum Number of Signs</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign/Letter Height</td>
<td>Location</td>
<td>Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below</td>
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</tr>
<tr>
<td></td>
<td>Directional</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
<tr>
<td>Professional Care Facility</td>
<td>Monument</td>
<td>1 per driveway entrance</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>1 per street frontage</td>
<td>Total wall sign area shall not exceed 1 square foot per each lineal foot of building frontage</td>
<td>24 inches</td>
<td></td>
<td>(See Notes 3 and 6 below)</td>
</tr>
<tr>
<td></td>
<td>Directional</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
<tr>
<td>Resort Hotels</td>
<td>Monument</td>
<td>1 per driveway entrance</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>1 per street frontage</td>
<td>60 square feet per sign; total wall sign area shall not exceed 1 square foot per each lineal foot of building frontage</td>
<td>36 inches</td>
<td></td>
<td>(See Notes 2, 3 and 6 below)</td>
</tr>
<tr>
<td></td>
<td>Directional</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
<tr>
<td>Gas/Service Stations</td>
<td>Monument</td>
<td>1 per street frontage</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td>Type of Development and/or Zone</td>
<td>Type of Sign</td>
<td>Maximum Number of Signs</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign/Letter Height</td>
<td>Location</td>
<td>Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below</td>
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</tr>
<tr>
<td>Wall</td>
<td>1 per street frontage</td>
<td>30 square feet per sign</td>
<td>24 inches</td>
<td></td>
<td>(See Notes 3 and 6 below)</td>
<td></td>
</tr>
<tr>
<td>Canopy</td>
<td>4 per site</td>
<td>10 square feet per sign</td>
<td>18 inches</td>
<td>Attached to canopy, not to extend beyond or above the canopy</td>
<td>Must be designed as an integral part of the canopy structure</td>
<td></td>
</tr>
<tr>
<td>Fuel Pump</td>
<td>1 per fuel pump</td>
<td>2.5 square feet per sign</td>
<td></td>
<td>Must be attached to the fuel pump</td>
<td>Only permitted at freeway service stations</td>
<td></td>
</tr>
<tr>
<td>Pole (freeway service stations only)</td>
<td>1 per site</td>
<td>50 square feet per sign</td>
<td>35 feet above average grade/36 inches</td>
<td>Only permitted at freeway service stations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stand-alone Theater or Cinema</td>
<td>Wall</td>
<td>1 per street frontage</td>
<td>Total sign area for all wall signs shall not exceed 1 square foot per each lineal foot of building frontage</td>
<td>60 inches</td>
<td>(See Notes 3 and 6 below) See Commercial centers for permitted signage for a theater that is not a stand-alone establishment</td>
<td></td>
</tr>
<tr>
<td>Suspended or Projecting</td>
<td>1 per site</td>
<td>6 square feet per sign</td>
<td>Minimum 8-foot clearance from finished grade to bottom of sign</td>
<td>Suspended - Underside of walkway overhang at 90 degrees to the building</td>
<td>Suspended may not be internally illuminated</td>
<td></td>
</tr>
<tr>
<td>Attraction Board (Pole or Marquee)</td>
<td>1 per site</td>
<td>100 square feet plus 10 square feet per screen or stage over 1, up to a maximum of 160 square feet per sign</td>
<td>Maximum pole sign height: 35 feet above average grade/24 inches; Marquee: 24 inches</td>
<td>Marquee signs must be building mounted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Poster</td>
<td>1 per screen or stage</td>
<td>6 square feet per sign</td>
<td></td>
<td>Must be building mounted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government, Church, or Private School</td>
<td>Wall</td>
<td>1 per street frontage</td>
<td>40 square feet per sign; total wall sign area shall not exceed 1 square foot</td>
<td>24 inches</td>
<td>(See Note 6 below)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Additional requirements may apply based on specific locations and zoning regulations. Always consult local ordinances for the most accurate information.
<table>
<thead>
<tr>
<th>Type of Development and/or Zone</th>
<th>Type of Sign</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign/Letter Height</th>
<th>Location</th>
<th>Additional Sign Standards—See Sections 21.41.070—21.41.090 and those listed below</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Monument</td>
<td>1 per street frontage</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td></td>
<td>Directional</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
<tr>
<td>Public Parks, Playgrounds, Recreational Facilities, Nature/Interpretive Centers and Similar Uses</td>
<td>Monument</td>
<td>1 per street frontage</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Notes 1, 3 and 6 below)</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>1 per street frontage</td>
<td>30 square feet per sign</td>
<td>24 inches</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Directional</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
<tr>
<td>Produce/Flower Stand in the E-A, R-A and L-C Zones</td>
<td>Wall or Freestanding</td>
<td>1 per produce/flower stand</td>
<td>32 square feet per sign</td>
<td>Freestanding: 8 feet above average grade/24 inches</td>
<td>Freestanding: Primary project entrance</td>
<td>Shall be displayed only during the time period the produce/flowers are available for sale on the property</td>
</tr>
<tr>
<td>Nursery, Greenhouse, Packing Shed, Stable, Riding Academy and Similar Uses</td>
<td>Freestanding</td>
<td>1 per site</td>
<td>32 square feet per sign</td>
<td>8 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>May not be illuminated</td>
</tr>
<tr>
<td>P-U zone</td>
<td>Monument</td>
<td>1 per street frontage (2 signs maximum)</td>
<td>60 square feet per sign</td>
<td>6 feet above average grade/24 inches</td>
<td>Primary project entrance or at other strategic location</td>
<td>(See Note 1 below)</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>1 per street frontage (2 signs)</td>
<td>40 square feet per sign</td>
<td>24 inches</td>
<td></td>
<td>(See Note 6 below)</td>
</tr>
<tr>
<td>Type of Development and/or Zone</td>
<td>Type of Sign</td>
<td>Maximum Number of Signs</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign/Letter Height</td>
<td>Location</td>
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<td></td>
</tr>
<tr>
<td>OS zone, except for uses listed elsewhere in this table</td>
<td>Directional</td>
<td>3 per driveway entrance</td>
<td>6 square feet per sign</td>
<td>6 feet above average grade</td>
<td>Should be located to facilitate traffic internal to the site</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Monument signs on entry walls (e.g., curved, angled or similar walls integrated into a project entry or perimeter) are permitted. In cases where entry walls are located on both sides of an entry drive, one sign on each wall (each at the maximum square footage) is permitted.
2. Building elevations on restaurants, hotels or motels which front along or are within three hundred feet of the right-of-way of and visible from Interstate 5, State Route 78, Palomar Airport Road or El Camino Real shall not have more than one wall sign along those elevations.
3. Illuminated wall signs are prohibited on any building elevation that faces and is within three hundred feet of any property line that adjoins residentially zoned property.
4. Building elevations which front along or are within three hundred feet of the right-of-way and visible from Interstate 5, State Route 78, Palomar Airport Road or El Camino Real shall not have more than one wall sign along those elevations. Notwithstanding the above, two wall signs along a building elevation that fronts the above-noted corridors may be permitted under the following circumstances:
   (a) A building elevation must have a minimum of one hundred fifty lineal feet in order to have more than one wall sign along that elevation.
   (b) The minimum spacing between wall signs along an elevation shall not be less than seventy-five feet.
   (c) The cumulative length of all wall sign(s) along any building elevation shall not exceed one-third of the length of that same elevation.
5. These sign standards supersede the sign standards for the C-M, M and P-M zoned properties that are located within Area 4 of the El Camino Real corridor development standards.
6. Wall signs must be located below the roof line on structures with pitched roofs. However, wall signs can be located on the parapet of a flat roofed building. Wall signs are not allowed on any equipment enclosure located above the roof line.

(Ord. CS-261 § VI, 2014; Ord. CS-226 § I, 2013)

**21.41.100  Permitted temporary signs.**
Table C provides a listing of all temporary signs permitted for each type of development and corresponding zones with a sign permit. In addition to the type of sign permitted, Table C provides the maximum number, maximum sign area per sign, maximum sign height and letter height, permitted location and other provisions.
<table>
<thead>
<tr>
<th>Type of Development and Zone</th>
<th>Type of Sign</th>
<th>Maximum Number of Signs</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign/Letter Height</th>
<th>Location</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Which Are Under Construction in All Zones</td>
<td>Wall or Freestanding</td>
<td>1 per project</td>
<td>32 square feet per sign</td>
<td>Freestanding: 8 feet above average grade</td>
<td>Must be located on the project site; may not project into the public right-of-way</td>
<td>1. May not be illuminated; 2. shall be removed prior to the granting of the last certificate of occupancy by the city</td>
</tr>
<tr>
<td>Real Property or Project Which is for Rent, Sale or Lease - in All Zones (Owner’s Real Property or Owned by Others With Owner’s Consent, per California Civil Code 713)</td>
<td>Freestanding</td>
<td>1 per property</td>
<td>Residential projects of 2 to 10 units: 12 square feet; residential projects of more than 10 units, commercial, office and industrial properties: 32 square feet per sign</td>
<td>8 feet above average grade</td>
<td>Must be located on the property; may not project into the public right-of-way</td>
<td>1. May not be illuminated; 2. residential projects: shall be removed from the property within 15 days from the date that all the properties are sold or no longer for sale, whichever occurs first; 3. commercial and office/industrial properties: shall be removed from the building or property within 15 days after the sale, rental or lease</td>
</tr>
<tr>
<td>All Commercial, Office and Industrial Zones</td>
<td>Interim Temporary Sign</td>
<td>1 per establishment</td>
<td>30 square feet per sign</td>
<td>Attached to monument or wall at the establishment location</td>
<td>1. Permitted only for establishments waiting for permanent sign construction and installation; 2. approval limited to 45 days maximum or when the permanent sign is installed whichever occurs first; 3. a city sign permit for the</td>
<td></td>
</tr>
<tr>
<td>Type of Development and Zone</td>
<td>Type of Sign</td>
<td>Maximum Number of Signs</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign/Letter Height</td>
<td>Location</td>
<td>Remarks</td>
</tr>
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</tr>
<tr>
<td>All Commercial, Office, and Industrial Zones</td>
<td>Banner or Freestanding Signs with a temporary seasonal sales location permit</td>
<td>1 per street frontage</td>
<td>30 square feet per banner or freestanding sign</td>
<td>Must be located on the site of the seasonal sales event</td>
<td>Limited to the period of time specified in the temporary seasonal sales location permit</td>
<td></td>
</tr>
<tr>
<td>Any Public or Private Property with a Special Events Permit (See C.M.C. Chapter 8.17)</td>
<td>Community Event at Public Parks Recreational Facilities</td>
<td></td>
<td></td>
<td></td>
<td>Pursuant to other provisions of the Carlsbad Municipal Code</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. CS-226 § I, 2013)

21.41.110 **Construction and maintenance.**

A. Construction. Every sign, and all parts, portions and materials thereof, shall be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations and the latest adopted versions of the Building Code and the National Electric Code.

B. Maintenance.

1. Every sign and all parts, portions and materials shall be maintained and kept in good repair.
2. The display surface of all signs shall be kept clean, neatly painted and free from rust, cracking, peeling, corrosion or other states of disrepair. (Ord. CS-226 § I, 2013)

21.41.120 **Removal of signs.**

A. Any sign which is unsafe, as defined herein, or which does not conform to Uniform Building Code and National Electric Code standards, or installed or placed in the public right-of-way or on city property contrary to other provisions of the Carlsbad Municipal Code, may be removed by any officer or employee of the city designated to do so without prior notice. Alternatively, the city may issue a notice of nonconformance and give the sign owner and/or the property owner fifteen days in which to cure the nonconformance.

B. Any other sign that is in violation of the provisions of this chapter must be removed by the permittee, owner or person in charge of the sign upon written notice by the city. Such written notice shall specify the nature of the violation, order the cessation thereof and require either the removal of the sign or the execution of remedial work in the time and in the manner specified by the notice.

C. The time for removal or repair shall not be less than thirty calendar days from the date of mailing the notice for permanent signs and not less than fifteen calendar days for temporary signs.

D. Within ten days of the mailing of the notice, the permittee, owner or person in charge of the sign may request a hearing before the city planner to determine whether the sign was erected or maintained in violation of this chapter. Such request must be made in writing and received by the city within the ten days after mailing of notice.
E. Upon receipt of a written request for a hearing, the city planner shall schedule a hearing and send a written notice by first class mail of the time, place and date for the hearing, which shall be no later than thirty days after the date of receipt of the written request, unless the party responsible for the sign requests a later hearing date. The time for compliance with the original order shall be stayed during the pendency of the hearing. The city planner will notify the appellant of the decision to affirm, modify or revoke the order to remove or repair within ten days of the conclusion of the hearing; failure to give such notice of decision shall result in the withdrawal of the notice of violation, but shall not prevent a new notice of violation being issued for a different time period from that specified in the original notice.

F. Whenever the permittee, owner or person in charge of the sign fails to comply with an order of the city planner requiring compliance with this chapter, any expense of such inaction shall be charged to the permittee, owner or person in charge of the sign. Such amount shall constitute a debt owed to the city. No permit shall thereafter be issued to any permittee, owner or person in charge of the sign who fails to pay such costs. Any costs, including attorney’s fees, incurred by the city in collection of the costs shall be added to the amount of the debt.

G. Every person billed may request a hearing regarding the accuracy of the amount billed. Following the hearing, the city planner shall, within ten days of the conclusion of the hearing, notify the person billed of any adjustment to the bill or any determination not to make an adjustment. This notification shall specify the date by which such bill shall be paid. Nonpayment becomes a lien on the property. (Ord. CS-226 § I, 2013)

21.41.125 Appeal of denial or revocation.
A. Any person seeking to appeal a decision of the city planner granting or denying an application for issuance of, or renewal of, a sign permit, revoking a permit or ordering the removal of a sign, must file a written notice of appeal with the city planner no later than ten days after the date of the notice of the decision. The notice shall state, with specificity, the factual and legal basis of the appeal. The city planner shall expeditiously schedule a hearing before the planning commission and notify the appellant, in writing, of the day, time and location of the hearing, which shall be held not later than thirty days after the notice of appeal is received by the city, unless time is waived by the appellant. The time for compliance of any original order shall be stayed during the pendency of the hearing before the planning commission.

B. The planning commission shall hold a hearing and provide the appellant with a written decision within ten days of the conclusion of the hearing. If the approval, denial, revocation or removal order is affirmed on review, the appellant may file a written notice of appeal to the city council with the city clerk no later than ten days after the date of the notice of the decision. The city clerk shall then schedule a hearing before the city council, which shall be held within thirty days of the receipt of the notice of appeal, and notify the appellant, in writing, of the day, time, and location of the hearing; however, the hearing may be held later than thirty days upon the request or concurrence of the appellant. The time for compliance of any original order shall be stayed during the pendency of the hearing before the city council. The city council shall provide the appellant with a written decision within ten days of the conclusion of the hearing. Any person dissatisfied with the city council’s decision may seek prompt judicial review pursuant to California law. (Ord. CS-226 § I, 2013)

21.41.130 Nonconforming signs.
A. Except for normal repair and maintenance and any modification required for NEC compliance, no nonconforming sign shall be expanded, structurally or electrically altered (not including a change in sign face or sign copy), moved or relocated, unless it is brought into conformance with all current provisions of this chapter.

B. When a sign, which was in compliance with all applicable laws in effect at the time it was originally erected, is physically damaged, whether by vandalism, forces of nature or other causes, the sign may
be repaired or restored to its original size, shape, height, orientation and message; however, the repair or restoration must be done in a manner which complies with current building and electrical codes and/or the requirements of any applicable sign program. (Ord. CS-226 § I, 2013)

21.41.140 Remedies and penalties.
Any sign, which has been properly removed under this chapter, may be returned to the owner upon payment to the city of the costs of removal. If no timely request is made for hearing or if no demand is made for the return of the sign removed, the city is authorized to destroy or dispose of the removed sign not earlier than thirty days after the removal of such sign. (Ord. CS-226 § I, 2013)

21.41.150 Violations.
A. It is unlawful for any person to:
   1. Install, mount, affix, create, erect, display or maintain any sign in a manner that is inconsistent with this chapter or any permit for such sign;
   2. Install, mount, affix, create, erect, display or maintain any sign requiring a permit without such a permit; or
   3. Fail to remove any sign which the city has ordered to be removed for being in violation of this chapter.
B. Violations of any provisions of this chapter shall be subject to the enforcement remedies and penalties provided for herein and in Chapter 1.08 of this code. The city may also pursue any civil remedies provided by law, including injunctive relief, as to signs not in conformance with this chapter:
   1. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.
   2. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter. (Ord. CS-226 § I, 2013)

21.41.160 Severability.
If any section, subsection, sentence, clause phrase or part of this chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall be in full force and effect. The city council hereby declares that it would have adopted this chapter with each section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or parts be declared invalid or unconstitutional. (Ord. CS-226 § I, 2013)
Chapter 21.42

MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS

Sections:
- 21.42.010 Purpose.
- 21.42.030 Findings of fact.
- 21.42.040 Conditions which may be added prior to granting permit.
- 21.42.050 Application and fees.
- 21.42.060 Notices and hearings.
- 21.42.070 Decision-making authority.
- 21.42.080 Announcement of decision and findings of fact.
- 21.42.100 Effective date and appeals.
- 21.42.110 Expiration, extensions and amendments.
- 21.42.120 Revocation.
- 21.42.140 Development standards and special regulations.

21.42.010 Purpose.
The purpose of the minor conditional use permit or conditional use permit is to allow special consideration for certain uses to be located in zones other than those in which they are classified as permitted because of their particular characteristics.

Such uses may only be suitable in specific locations in a zoning classification or only if such uses are designed or laid out in a particular manner on the site or are subjected to specific conditions to assure compatibility within the zone and its surroundings. Since it would be impractical and detrimental to the peace, health, safety and general welfare to permit such uses in all areas of the city in any one or more zones, the peace, health, safety and general welfare will be promoted if such uses are authorized only by minor conditional use permit or conditional use permit in accordance with the standards hereinafter set forth.

The privileges and conditions of a minor conditional use permit or conditional use permit are a covenant that runs with the land, and, in addition to binding the permittee, bind each successor in interest. (Ord. NS-791 § 1, 2006)

21.42.030 Findings of fact.
A. A minor conditional use permit or conditional use permit may be granted only if the following facts are found to exist in regard thereto:
   1. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan;
   2. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;
   3. That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the city planner, planning commission or city council, in order to integrate the use with other uses in the neighborhood;
   4. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use.
B. When the subject of the application for minor conditional use permit or conditional use permit is protected by the First Amendment to the United States Constitution, or Article I, Section 2 of the California Constitution, then only the definite objective guidelines and standards of this chapter and of any other chapter of this code applicable to the property shall apply. The general health, safety and welfare re-
quirements of this subsection shall not apply and any requirements of this code which may not be con-
stitutionally applied shall be severed from the requirements which may be constitutionally applied and 
those applicable shall remain in full force and effect. (Ord. CS-178 § LXXII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 1, 2006)

21.42.040 Conditions which may be added prior to granting permit.
A. In granting a minor conditional use permit or conditional use permit, any and all conditions necessary 
to protect the public health, safety and welfare, may be added thereto, including but not limited to the 
following:
  1. Regulation of use;
  2. Special yards, open space, and buffers;
  3. Fences and walls;
  4. Dedicating and improving public improvements;
  5. Regulation of points of vehicular ingress and egress;
  6. Requiring placement and maintenance of landscaping;
  7. Regulation of signage, noise, vibration, odors, etc.;
  8. Regulation of time for certain uses on the subject property;
  9. Time schedule for developing the proposed use;
 10. Time period during which the proposed use may be continued;
 11. Any other conditions necessary for the development of the city in an orderly and efficient manner 
and in conformity with the intent and purpose set forth in this chapter. (Ord. NS-791 § 1, 2006)

21.42.050 Application and fees.
A. Application for a minor conditional use permit or conditional use permit may be made by the owner of 
the property affected or the authorized agent of the owner. The application shall:
  1. Be made in writing on a form provided by the city planner.
  2. State fully the circumstances and conditions relied upon as grounds for the application; and
  3. Shall be accompanied by adequate plans, a legal description of the property involved and all 
other materials as specified by the city planner.
B. At the time of filing the application, the applicant shall pay the application fee contained in the most 
recent fee schedule adopted by the city council. (Ord. CS-178 § LXXIII, 2012; Ord. CS-164 § 11, 2011; 
Ord. NS-791 § 1, 2006)

21.42.060 Notices and hearings.
A. Notice of an application for a minor conditional use permit shall be given pursuant to the provisions of 
B. Notice of an application for a conditional use permit shall be given pursuant to the provisions of Sec-
Ord. NS-791 § 1, 2006)

21.42.070 Decision-making authority.
A. Applications for minor conditional use permits or conditional use permits shall be acted upon in accor-
dance with the following. Please refer to the use regulation table in each zone to determine whether 
the conditional use permit is decided by process one, two or three.
a. An application for a minor conditional use permit may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.

b. The city planner may approve or conditionally approve the minor conditional use permit if all of the findings of fact in Section 21.42.030 of this title are found to exist.

2. Process Two.

a. An application for a conditional use permit subject to process two may be approved, conditionally approved or denied by the planning commission based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.

b. The planning commission shall hear the matter, and may approve or conditionally approve the conditional use permit if all of the findings of fact in Section 21.42.030 of this title are found to exist.


a. An application for a conditional use permit subject to process three may be approved, conditionally approved or denied by the city council based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.

b. Before the city council decision, the planning commission shall hear and consider the application for the conditional use permit and shall prepare a recommendation and findings for the city council. The action of the planning commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.

c. The city council shall hear the matter, and may approve or conditionally approve the conditional use permit if all of the findings of fact in Section 21.42.030 of this title are found to exist. (Ord. CS-178 § LXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 1, 2006)

21.42.080 Announcement of decision and findings of fact.

When a decision on a minor conditional use permit or conditional use permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § LXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 1, 2006)

21.42.100 Effective date and appeals.

A. Decisions of the city planner on minor conditional use permits shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title.

B. Decisions of the planning commission on conditional use permits shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title.

C. Decisions of the city council on conditional use permits are final, conclusive and shall be effective upon the date specified in the announcement of decision. (Ord. CS-178 § LXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 1, 2006)

21.42.110 Expiration, extensions and amendments.

A. Expiration of Permit if Not Exercised. The expiration period for an approved minor conditional use permit or conditional use permit shall be as specified in Section 21.58.030 of this title.
B. Extension of Permit if Not Exercised. The expiration period for an approved minor conditional use permit or conditional use permit may be extended pursuant to Section 21.58.040 of this title.

C. Expiration of Permit. Such rights and privileges granted under a minor conditional use permit or conditional use permit shall also expire at such time as the city planner/planning commission/city council may designate in the approval of the minor conditional use permit or conditional use permit.

D. All existing conditional use permits approved prior to February 21, 2006, which include an expiration date and a requirement to extend the permit, may be hereby approved administratively by the city planner in perpetuity without the requirement to extend the conditional use permit.

E. An approved minor conditional use permit or conditional use permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § LXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 1, 2006)

21.42.120 Revocation.
A. The city planner/planning commission/city council shall have continuing jurisdiction over any minor conditional use permit or conditional use permit.

B. To consider the revocation of a minor conditional use permit, the city planner shall hold an administrative hearing after giving notice pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.

C. To consider the revocation of a conditional use permit, the planning commission/city council shall hold a public hearing after giving notice pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title.

D. The city planner/planning commission/city council may revoke and terminate the minor conditional use permit or conditional use permit in whole or in part, reaffirm the minor conditional use permit or conditional use permit, modify the conditions or impose new conditions.

E. Revocation actions of the city planner/planning commission are appealable pursuant to Sections 21.54.140 and 21.54.150 of this title.

F. A minor conditional use permit or conditional use permit may be revoked or conditions modified or added on any one or more of the following grounds:
   1. That the minor conditional use permit or conditional use permit was obtained by fraud or misrepresentation;
   2. That the use for which such approval is granted is not being exercised;
   3. That the minor conditional use permit or conditional use permit is being or recently has been exercised contrary to any of the terms or conditions of approval;
   4. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
   5. That the use is in violation of any statute, ordinance, law or regulation;
   6. That the use permitted by the minor conditional use permit or conditional use permit is being or has been so exercised as to be detrimental to the public health, safety or welfare or so as to constitute a nuisance. (Ord. CS-178 § LXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-791 § 1, 2006)

21.42.140 Development standards and special regulations.
A. The following development standards applicable to the particular zone in which any minor conditional use or conditional use is proposed to be located shall prevail, unless in the findings and conditions recited in the letter or resolution dealing with each such matter, specific exemptions are made with respect thereto:
   1. Front and side yard setbacks;
21.42.140

2. Building height;
3. Lot area; and
4. Off-street parking.

B. The minor conditional uses and conditional uses identified in this section shall be subject to the following special regulations:

2. Reserved.

5. Apiary. All hives or boxes housing bees shall be placed at least four hundred feet from any street, school, park, residential zone, or dwelling or place of human habitation other than that occupied by the owner or caretaker of the apiary.

10. Aquaculture Stands. In considering the appropriateness of such facility, the minimum following criteria shall be considered:
   a. Safe access;
   b. Adequate parking;
   c. Location and appearance of structure or facility;
   d. Appearance and location of signs;
   e. Compatibility with adjacent uses;
   f. Scale of operation.

15. Arcades (Coin-Operated).
   a. No alcoholic beverages shall be permitted on premises.
   b. All activities shall be conducted within the confines of a structure designed to contain the noise created by such operation.
   c. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.

   a. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.
   b. Parking shall be provided at the rate of not less than one space per fifty square feet of gross floor area.
   c. Surrounding grounds, including parking areas, shall be maintained in a neat and orderly condition at all times.
   d. Any structure housing such operation shall meet all applicable code provisions prior to occupancy.
   e. Licensee or agent shall not permit open containers of alcoholic liquor to be taken from the premise.
   f. No bar or cocktail lounge shall be located within five hundred feet of any other bar or cocktail lounge.

25. Bed and Breakfast Uses.
   a. All proposed bed and breakfast uses shall be located within a historically or architecturally interesting structure which is located in a scenic or other area of the city with a unique character.
   b. A resident manager or owner must live at and be involved in the daily operation of the facility. Documents pertaining to the operation and maintenance of such facility shall be submitted for staff approval prior to building permit issuance.
c. All bed and breakfast uses shall contain no less than three and no more than eight individually decorated guest rooms. A common room shall be available for social interaction.

d. If meals are served other than for guests staying at the facility, then the use shall be subject to the requirements of this code for the establishment of a restaurant.

e. Parking spaces shall be provided at a ratio of two spaces for the owner/manager, plus one space for each guest room. Guest parking spaces may be covered or uncovered. One covered parking space shall be provided for the owner/manager unit. No parking is permitted within the front yard setback.

f. Exterior lighting shall be designed to limit direct light glare outside of the project site.

g. No kitchens or other cooking facilities in the guest rooms.

h. Occupancy of guest units shall be limited to seven days.

i. The application for a conditional use permit shall include the submittal of an architectural theme, colored elevations and site plan for review.

30. Biological Habitat Preserve.

a. The biological habitat preserve shall not adversely impact the city’s ability to provide public facilities and improvements such as, but not limited to, circulation element roadways, sewer or water infrastructure improvements and drainage improvements, as provided for in the citywide facilities and improvements plan, and the certified local coastal program.

b. The biological habitat preserve shall be consistent with the city’s habitat management plan or agency-approved habitat management plan.

c. The biological habitat preserve shall be consistent with the city’s local coastal program.

d. A conditional use permit shall not be required when a biological habitat preserve is associated with a development proposal otherwise requiring environmental review and discretionary approval by the city, or a coastal development permit.

e. Nothing in this section shall be construed as permitting encroachment or impacts to environmentally sensitive habitat areas and wetlands not permitted elsewhere in the certified local coastal program.

35. Bowling Alleys.

a. No noise shall be audible outside of the structure.

b. If alcoholic beverages are offered for consumption on site, no open container shall be permitted to be removed from the premises.

c. Parking requirements for any bar area not meeting the definition of bona fide eating establishment shall be computed at one space per fifty square feet of gross floor area.

40. Campsites (Overnight).

a. Any campsite shall be located in, adjacent to, or shall be directly associated with existing or planned parks and open space system and shall augment the city’s general plan.

b. An overnight campsite shall comply with all federal, state and local laws.

c. The site plan for an overnight campsite shall be prepared by a licensed architect or landscape architect.

d. No person shall occupy any part of an overnight campsite for more than ninety days, in the aggregate, during any given year.

e. The design of an overnight campsite shall be subject to the following conditions:

i. Upon site review, a perimeter six-foot fence or wall may be required. Interior six-foot fencing shall be required to isolate major trash collection and storage areas. Such
fences or walls shall be of materials compatible with an approved architectural scheme for the total development.

ii. Primary road surfaces, i.e., two-way throughways, shall be blacktop, asphalt or equivalent road surfaces. One-way throughways with sufficient natural drainage may be surfaced with decomposed granite or equivalent, otherwise hard surface equal to two-way requirements will be required. The remaining travel surfaces (camp pads, footpaths, maintenance roads) will be covered with decomposed granite or equivalent material.

iii. Associated signs, freestanding or attached to buildings shall be designed and constructed in accordance with city ordinances.

iv. Unit site densities shall be computed from a slope analysis of the project area: zero to five percent slope = maximum seven units/acre; six to fifteen percent slope = maximum three units/acre; sixteen plus percent slope = permanent open space.

v. Sites within the campground shall be clearly marked and shall be not less than two thousand five hundred square feet in area.

vi. Sites utilized by auto-truck campers, trailers, mobile coaches, shall front on a roadway not less than fifteen feet wide and which affords access to a public road.

vii. Said campground facility shall total not less than ten acres, of which not less than sixty percent of the site shall be utilized for recreation activities, other than buildings, roadways, parking pads, trash or storage areas.

viii. Camping spaces shall be placed at random throughout the project, so as not to reflect uniformity in appearance or design.

ix. Exterior lighting shall be a type so as not to make visible a direct light source or cause glare outside the campground facility. Proposed light fixtures shall be subject to review to assure compatibility with the architectural scheme of the total development.

x. Landscaping and sprinkler system shall be constructed in conformance with a plan prepared by a registered landscape architect and approved by the city planner prior to building permit issuance. The sprinkler system shall be applied only to those areas that are not in extensive recreational use. Such landscaping shall be in conformance with but not limited to the following minimum standards:

(A) The campground site shall be planted with combinations of flowers, turf, groundcovers, shrubs, and trees; said plantings shall be distributed throughout the site to create a park-like effect.

(B) Trees shall be planted at a ratio of one for each one thousand square feet of gross land area. Ten percent of all trees shall be of specimen size. The remaining ninety percent shall be equally divided among fifteen, five and one-gallon sizes. Existing on-site trees may be utilized to fulfill tree requirements.

xi. An architectural concept plan including plans for all structures and fences shall be adopted for the total development to assure harmony and compatibility of all facilities within the campground.

xii. Documents pertaining to the maintenance of all facilities including landscaping, and designating those persons responsible for same, shall be submitted for staff approval prior to building permit issuance.

xiii. Other conditions may be imposed in connection with any conditional use permit issued for a campsite, pursuant to conditional use permit ordinance regulations then in effect.
21.42.140

45. Car Wash.
   a. The site shall be designed to reduce the visual impacts of buildings and waiting cars on surrounding development and from public streets.
   b. All structures shall be architecturally designed to ensure compatibility with surrounding development.
   c. A noise analysis addressing noise impacts on surrounding development may be required.
   d. A traffic study which analyzes the impact of the proposed car wash on adjacent and nearby intersections may be required. The limits of this study shall be established by the city planner.
   e. Adequate parking and circulation shall be provided on-site to accommodate the proposed use.
   f. Waiting areas for cars shall be screened by a combination of landscaping, fencing and berming.
   g. All signs shall comply with an approved sign program.
   h. Adequate means of eliminating grease and oils from drainage systems shall be provided.

50. Drive-Thru Restaurants. Drive-thru restaurants are prohibited within all zones in the city, including coastal zone properties. The drive-thru restaurant prohibition applies citywide to all existing and proposed specific plans, master plans, and related amendments. Drive-thru restaurants that are either existing or have received final approvals on January 5, 1998 are allowed to continue in existence subject to the terms and conditions of this code and the conditional use permit or other discretionary permit permitting them and may apply for and may be granted CUP extensions under this code.

55. Drug Paraphernalia Stores.
   a. No drug paraphernalia store shall be located within five hundred feet of any school, church, residence, residential area, children’s camp or club, child care facility, community center, library, park, public beach or playground.
   b. No drug paraphernalia store shall have a sign or advertisement which displays, shows or represents drug paraphernalia or any illegal drug including, but not limited to, marijuana, hashish, cocaine, or any controlled substance as defined in the Health and Safety Code of the State of California.
   c. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.

60. Escort Services.
   a. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.
   b. No such business shall be located within five hundred feet of any residential zone.
   c. An application for a conditional use permit shall be referred to the chief of police, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. The past criminal record, if any, of all persons financially interested in the business shall be shown on such application. The term “persons financially interested” shall include the applicant and all persons who share in the profits of the business on the basis of gross or net revenue, including landlords, lessors, lessees, and the owner of the building, fixtures or equipment. The application shall also be accompanied by fingerprints of persons financially interested.

The chief of police shall make such investigation as is necessary to determine the background of the applicant and other persons financially interested. The chief of police shall re-
port to the planning commission his or her findings and recommendations as to whether to approve, deny, or conditionally approve or deny the conditional use permit in writing within one hundred eighty days after the application is submitted. The recommendations of the police chief shall be based on the findings and may also be based on his or her judgment of potential enforcement problems and reasons therefor from the proposed establishment. Failure to so report shall be deemed approval of the application. The planning commission may deny an application based on the findings and recommendations of the chief of police.

65. Gas Stations.
   a. Permits for gas stations shall be granted only in the event one or more of the following factual situations is found to exist:
      i. The use is to be developed as part of a master-planned recreation area, industrial park, regional or community shopping center.
      ii. The use is to be developed as part of a freeway-service facility, containing a minimum of two freeway-oriented uses.
      iii. The use is to be developed as part of a commercial facility that is an integral part of a planned community development.

   b. Development Standards.
      i. All structures shall be architecturally designed to be compatible with surrounding neighborhood uses.
      ii. Landscape plans shall consist of the following:
          (A) Perimeter planter areas of a minimum of six feet in width and planter areas adjacent to the structure;
          (B) Six-inch concrete curb bounding all planter areas;
          (C) Landscaping including a combination of flowers, shrubs and trees;
          (D) A sprinkler system providing total and effective coverage to all landscaped areas;
          (E) A statement delineating a maintenance schedule and responsibility for maintenance of landscaped areas.
      iii. A six-foot-high masonry wall shall be constructed on all sides of the property that adjoin residential or residential-professional zoned property.
      iv. All exterior lighting shall be shielded or oriented in such way so as not to glare on adjacent properties.
      v. All displays and storage shall be contained within the main structure.
      vi. Trash containers shall be contained within a six-foot high enclosure.
      vii. All signs shall be in conformance with the city's sign ordinance.
      viii. Full public improvements shall be provided as may be required for public convenience and necessity.

   c. The development standards (see subparagraph b above) shall apply to existing gas stations when renovated structurally, and any newly developed service stations. Provisions regarding location shall not apply to gas stations in existence as of September 15, 1970.

70. Greenhouses (Greater Than Two Thousand Square Feet in Area) and Packing/Sorting Sheds (Greater Than Six Hundred Square Feet in Area).
   a. Lighting shall be directed away from nearby residences and shall not create undue illumination.
   b. Fans shall not create a noise nuisance to nearby residences.
c. Driveways shall be improved with dust control material and be maintained.

d. Structure, including panels or coverings, shall be maintained and not become a safety hazard or nuisance to the neighborhood.

e. The approving conditional use permit resolution shall contain the time limits of the permit and the provisions for periodic review.

75. Hazardous Waste Facilities. Applications for specified hazardous waste facilities shall be processed in accordance with the requirements of this code and of Chapter 6.5 of Division 20 of the Health and Safety Code commencing with Section 25100. A conditional use permit for a specified hazardous waste facility shall not be approved unless all of the following findings can be made:

a. That all of the findings required by this chapter for approval of a conditional use permit can be made;

b. That the project is consistent with Chapter IX Section C (General Areas) and Appendix IX-B (General Areas) of the San Diego County hazardous waste management plan; and

c. That the project is consistent with Chapter IX Section B (Siting Requirements) and Appendix IX-A (Siting Criteria) of the San Diego County hazardous waste management plan.

80. Hotel and Motel Uses.

a. The application shall include the submittal of an architectural theme, colored elevations and site plan.

b. When adjoining residentially zoned property, hotels and motels under this section must comply with the following provisions:

i. Front yard setbacks, buildings — twenty-five feet or the same distance as existing buildings on adjoining lots; driveway or parking area — ten feet; outdoor recreational amenities — ten feet;

ii. A six-foot-high masonry wall shall be constructed along all property lines that are adjacent to residentially zoned properties (except where prohibited by approved driveways).

85. Liquor Stores.

a. There are specifically designated parking spaces that are sufficient for the use.

b. Traffic flow on public streets or in parking areas will not cause congestion or be detrimental to other nearby neighborhood commercial uses.

c. That all measures have been taken to insure compatibility of the use with the surrounding neighborhood.

d. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.

e. Such establishment shall not be located within five hundred feet of any other licensed liquor store.

90. Mobile Buildings.

a. The mobile building shall be occupied by a permitted or conditional use allowed in the zone in which it is placed.

b. The occupancy shall be limited to a five-year term, unless extended by the appropriate decision-maker.

c. Newly placed mobile buildings shall not be installed on permanent foundations.

d. All mobile buildings shall have wood or stucco siding and must be installed with skirting to screen the chassis, wheels, and temporary foundation system.
e. All mobile buildings must meet all applicable local, state, and federal codes including, but not limited to, manufacturer’s certificate of origin, current and valid registration tags, adequate accessibility for disabled persons, temporary foundation system design and installation, utility connections, and zoning requirements such as building height and setbacks.

95. Oil and gas facilities (on-shore) including, but not limited to, processing plants, refineries, storage facilities, transfer stations, pipelines, warehouses, offices, tanker terminals, helicopter pads and the like. Such facilities are prohibited except upon findings by the city council that:
   a. Approval of the proposed project and facilities will pose no danger to life and property to residents of the neighborhood, community or city;
   b. Approval of the proposed project will not pose a potential threat of damage or injuries to nearby residents;
   c. The benefits of the proposed project clearly outweigh the possible adverse environmental effects;
   d. There are no feasible alternatives to the proposed project; and
   e. The location and approval of the on-shore facilities at the particular location clearly outweigh any potential harm to public health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or community and will not be detrimental or injurious to property in the neighborhood, community or to the general welfare of the city.
   f. Such facilities shall also require a minor site development plan pursuant to Chapter 21.34 of this title.

100. Parks, Public.
   a. All applications for a public park shall include a master park site plan exhibit. The master park site plan exhibit shall include the general location of and maximum anticipated site area and building area of proposed major and accessory park uses (i.e., picnic areas, playfields, playgrounds, athletic fields, swimming pools, tennis/volleyball courts, gymnasiums, clubhouses, restrooms, trails, driveways, parking areas and fences).
   b. The development of the specific uses that are identified on the master park site plan shall not require an additional conditional use permit or an amendment to the existing master park site plan conditional use permit.
   c. Park improvements that do not add a new land use to the master park site plan or increase the maximum anticipated site area or building area for a use by more than twenty percent of what is anticipated on the master park site plan may be approved administratively by the city planner.

105. Pawnshops.
   a. No pawnshop shall be located within five hundred feet of any establishment licensed to dispense (for on-site or off-site consumption) alcoholic beverages.
   b. No pawnshop shall be located within five hundred feet of any residentially zoned property.
   c. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.

110. Pool Halls or Billiard Parlors.
   a. No such establishment shall be located within five hundred feet of any establishment licensed to dispense alcoholic beverages for consumption on-site or off-site.
   b. No establishment shall be permitted to dispense alcoholic beverages for consumption on-site or off-site.
   c. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.
d. Each structure housing such operation shall be constructed so as to contain within the structure all noise and other objectionable byproducts of such operation.

115. Processing Plants For Farm Crops, Similar To Those Being Grown On The Premises. No processing plant shall be located within fifty feet of any lot line.

120. Recreational Vehicle (RV) Storage.

a. Only recreational vehicles as defined in Section 21.04.298 of this code may be stored within any recreational vehicle storage area; all stored vehicles must be in an operable condition and, if required, currently licensed.

b. Permitted recreational vehicle storage shall not be utilized as a sales yard, or as storage for a sales yard. An occasional sale by an individual may be permitted.

c. The maintenance, restoration and/or repair of any vehicle shall not be permitted within any recreational vehicle storage area, unless otherwise specifically permitted by the conditional use permit.

d. The utilization of a stored vehicle as a living unit shall not be permitted.

e. An accessory building, for administrative and security purposes, may be permitted by the conditional use permit.

f. All approved recreational vehicle storage areas shall be subject to the following development standards:

i. All recreational vehicle storage areas shall be surfaced with two inches of asphalt on four inches of base, or with an alternative acceptable to the city engineer. In addition, the interior circulation and parking and layout design shall be subject to the approval of the city engineer.

ii. All setbacks shall be landscaped with trees, shrubs and other plant material to the satisfaction of the city planner. However, in no case shall less than a ten-foot-wide planter along all street frontages and a five-foot-wide planter along all interior lot lines be landscaped as specified above. In addition, three percent of the remainder of the site shall be landscaped with a variety of plant material and in locations throughout the storage area. These areas shall be a minimum dimension in all directions of four feet and bounded by a minimum six-inch concrete or masonry curb. All landscaped areas shall be served by a water irrigation system providing total and effective coverage to all landscaping.

iii. The storage area shall be screened from all views by a minimum eight-foot-high wall or fence. Said wall or fence shall entirely surround the site and shall observe a minimum setback equal to the required planting areas specified by the previous development standard set out in subparagraph (f)(ii). The decision-making body may impose any additional conditions necessary to mitigate adverse visual affects of the wall or fence.

iv. On-site visitor and employee parking shall be provided within the storage area at a ratio of one space per every ten thousand square feet of lot area, or as required by the conditional use permit. However, in no case shall less than three on-site visitor/employee parking spaces be provided.

v. Signing for a recreational vehicle storage area shall be limited to a wall sign with a maximum total area of twenty square feet in all zones. No freestanding signs shall be permitted.

125. Residential Care Facilities (Serving More Than Six Persons).

a. Facilities shall comply with all the rules, regulations and standards required by the State Department of Social Services.
b. Facilities shall meet current California Code of Regulations (Title 24) for occupancy, as defined.

c. Facilities shall provide off-street parking as required in Chapter 21.44 of this title.

d. Additional requirements and restrictions may be imposed as determined necessary by the decision-making authority to ensure facilities meet the findings stated in Section 21.42.030. These requirements and restrictions may include provisions regarding but not limited to the following items:
   i. Hours of operation, such as for deliveries and other services;
   ii. Noise;
   iii. Lighting;
   iv. Location and screening of parking, service, and other outdoor areas;
   v. Security;
   vi. Loitering.

130. Reserved.

135. Residential Uses in the P-M Zone. One-family dwellings, two-family dwellings and multiple-family dwellings or a combination thereof, which serve to house the employees of businesses located in the P-M zone, may be conditionally permitted subject to the following findings:
   a. A planned development permit for the project has been approved, or is approved concurrently with the conditional use permit, by the city council.
   b. The residential development is an integral part of an industrial park or large industrial use.
   c. The residential development is designed to be compatible with the industrial use it serves by means of landscaping, open space separations, etc.
   d. The industrial development served by the residential development shall provide for convenient and efficient vehicular, bicycle or pedestrian transportation to and from the residential development.
   e. The maximum allowable density for the residential development shall be established by the city council but in no event shall the density exceed forty dwelling units per acre.

140. Tattoo Parlors.
   a. No tattoo parlor shall be located within five hundred feet of any licensed alcoholic beverage dispensing operation offering said beverages for on-site or off-site consumption.
   b. No tattoo parlor shall be operated in conjunction with nor share any operating space with any other business.
   c. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.

150. Thrift Shops.
   a. An application for a conditional use permit shall be referred to the chief of police, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. The past criminal record, if any, of all persons financially or otherwise interested in the business shall be shown on such application. The term “persons financially interested” shall include the applicant and all persons who share in the profits of the business on the basis of gross or net revenue, including landlords, lessors, lessees and the owner of the building, fixtures or equipment. The application shall also be accompanied by fingerprints of persons financially interested.

The chief of police shall make such investigation as is necessary to determine the background of the applicant and other persons financially interested. The chief of police shall re-
port to the planning commission his or her findings and recommendations as to whether to approve, deny or conditionally approve or deny the conditional use permit in writing within thirty days after the application is submitted. The recommendation of the police chief shall be based on the findings and may also be based on his or her judgment of potential enforcement problems and reasons therefor from the proposed establishment. Failure to so report shall be deemed approval of the application. The planning commission may deny an application based on the findings and recommendations of the chief of police. Charitable organizations shall be specifically exempt from the report provisions of this section. For purposes of this section, a “charitable organization” is one organized for religious, scientific, social, literary, educational, recreational, benevolent, or other purpose not that of pecuniary profit.

b. No goods shall be taken on a consignment basis.

155. Time-Share Projects. All projects in residential zones shall be subject to the development standards and design criteria of Chapter 21.45 of this code, while all projects in nonresidential zones shall be subject to the development and design criteria of the underlying zone, except that:

a. The city council may reduce the required resident parking down to one parking space per unit, based on the results of a parking study prepared by a registered traffic engineer that demonstrates that adequate parking will be provided and the reduction will not adversely affect the neighborhood.

b. The city council may waive the storage area requirements of Section 21.45.060 of this title. Any reduction in the storage requirements shall be supported by a finding that the reduction is necessary for the development of the project and will not adversely affect the neighborhood.

c. If a time-share project on a residentially zoned property is proposed with reduced standards, the applicant shall provide a conversion plan showing how the project can be altered to bring it into conformance with the development standards and design criteria of the planned development ordinance. A conversion shall be approved as and be made a part of the permit for the project.

d. If a time-share project is proposed in a nonresidential zone, it shall be conditioned to be converted to a hotel use if it cannot be successfully marketed as a time-share project, and shall be subject to all conditions of subsection (B)(155) of this section.

e. All proposals for time-share projects shall be accompanied by a detailed description of the methods proposed to be employed to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance. A management and maintenance plan shall be approved as and made a part of the permit for the project.

f. All units in a time-share project shall be time-share units except a permanent on-site management residence unit may be permitted. The maximum time increment for recurrent exclusive use of occupancy of a time-share unit shall be four months. A note indicating this requirement shall be placed on the final map for the project.

g. In addition to the four mandatory findings required for the issuance of a conditional use permit under Section 21.42.030 of this chapter, the city council shall find that the time-share project is located in reasonable proximity to an existing resort or public recreational area and, therefore, can financially and geographically function as a successful time-share project and that the project will not be disruptive to existing or future uses in the surrounding neighborhood.

h. Time-share projects may be allowed in the P-C zone if specified in the master plan for the area in which they will be located and the land use designation for the master plan area in which the proposed time-share project will be located is similar to the R-P, R-3, RD-M, R-T, C-T or C-2 zones.
i. All of the provisions of this section shall apply to the conversion of an existing structure to a
time-share project.

j. All time-share projects shall be processed in accordance with this section except that sub-
sequent to planning commission review, the matter shall be set for public hearing before the
city council. The city council may approve, conditionally approve or deny the project. The
decision of the city council is final.

k. A subdivision map filed in accordance with Title 20 of this code shall accompany any appli-
cation for a time-share project.

160. Windmills (Exceeding the Height Limit of the Zone). May be conditionally permitted provided the
purpose of such windmills is to generate usable electrical or mechanical energy and provided the
windmill is architecturally compatible with the other buildings on the site.

165. Wireless Communication Facilities (WCFs):
   a. Shall comply with city council policy statement No. 64. An application for a WCF may be
      processed as a minor conditional use permit, pursuant to this chapter, if it is found to be
      consistent with the preferred location and the stealth design review and approval guidelines
      of city council policy statement No. 64.
   b. WCF conditional use permit applications that do not comply with the preferred location and
      the stealth design review and approval guidelines of city council policy statement No. 64
      shall be processed as a conditional use permit by process 2.

170. Zoos (Private).
   a. The property for such private zoo has a minimum of twenty thousand square feet;
   b. No animal is kept within twenty feet of any property line;
   c. A valid wild animal permit has been issued by the state. (Ord. CS-249 § XVI, 2014; Ord. CS-
      CS-178 § LXXIV, 2012; Ord. CS-172 § XV, 2012; Ord. CS-164 §§ 10, 14, 2011; Ord. NS-
      791 § 1, 2006)
Chapter 21.43

ADULT BUSINESSES*

Sections:

21.43.010 Intent and purpose.
21.43.020 Definitions.
21.43.030 Location requirements for adult businesses.
21.43.040 Other requirements for adult businesses.
21.43.050 Violations.


21.43.010 Intent and purpose.
A. The intent and purpose of this chapter is to regulate the location of adult businesses, which is necessary due to the following:
   1. Adult businesses tend to have judicially recognized adverse secondary effects on the community, including but not limited to:
      a. Increases in crime in the vicinity of adult businesses;
      b. Decreases in property values in the vicinity of adult businesses;
      c. Increases in vacancies in residential and commercial areas in the vicinity of adult businesses;
      d. Interference with residential property owners' enjoyment of their properties (when such properties are located in the vicinity of adult businesses) as a result of increases in crime, litter, noise, and vandalism; and
      e. The deterioration of neighborhoods.
B. In addition to the operational regulations for adult businesses mandated in Chapter 8.60 of the Municipal Code, the regulations in this chapter are necessary to prevent adverse secondary effects of adult businesses, while at the same time protecting the constitutional rights of those individuals who desire to own, operate or patronize adult businesses. (Ord. CS-063 § VI, 2009)

21.43.020 Definitions.
A. The definitions found in Section 8.60.020 of the Municipal Code are incorporated herein by reference.
B. In addition to any other definitions contained in the Municipal Code, the following words and phrases shall, for the purpose of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Municipal Code, these definitions shall prevail.
   1. “Child day care center” means any child day care facility as defined in Carlsbad Municipal Code Section 21.04.086 and Section 1596.750 of the California Health and Safety Code other than family day care homes.
   2. “Park” means any public or private parks, whether for passive or active recreational uses or both. Active recreational uses may include but are not limited to skate parks, tot lot and play lot areas, structures and special use facilities such as swimming pools, basketball courts, tennis courts, handball and racquetball courts, horseshoes, and picnic facilities.
   3. “Religious institution/place of worship” means any portion of a building or structure that is used primarily for religious worship and religious activities.
4. "Residential land use designation" means any property within the city that carries a residential general plan land use designation permitting the location of a dwelling or dwellings, including RL (Residential Low Density), RLM (Residential Low Medium Density), RM (Residential Medium Density), RMH (Residential Medium High Density) and RH (Residential High Density).

5. "Residential zone" means any property within the city that carries a zoning designation permitting the location of a dwelling or dwellings, including R-A (Residential Agricultural), R-E (Rural Residential Estate), R-1 (One-Family Residential), R-2 (Two-Family Residential), R-3 (Multiple-Family Residential), RMHP (Residential Mobile Home Park), RD-M (Residential Density-Multiple), R-P (Residential Professional), R-T (Residential Tourist), and R-W (Residential Waterway).

6. "School" means any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or which is maintained pursuant to standards set by the Board of Education of the State of California. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education. For the purposes of this section, "school" does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. (Ord. CS-063 § VI, 2009)

21.43.030 Location requirements for adult businesses.
A. Zones Where Adult Businesses Are Permitted.
   1. Adult businesses are permitted only on sites that are within the C-M, C-M/Q, M, M-Q, P-M, or P-M/Q zones, provided such uses are not precluded by any applicable specific plan or master plan.
B. Distance Requirements.
   1. In addition to the zone requirements specified in subsection A of this section, an adult business shall not be established or located within one thousand (1,000) feet of any of the following:
      a. Another adult business;
      b. Child day care center;
      c. Park;
      d. Religious institution/place of worship;
      e. Residential land use designation;
      f. Residential zone; or
      g. School.
   2. For the purpose of measuring the distance requirements set forth in subsection B.1 of this section, all distances shall be measured (without regard to intervening structures) in a straight line extended between the nearest property lines of:
      a. The property on which the adult business is or will be located; and
      b. The property on which one of the uses/zones/designations specified in subsection B.1 of this section is located.
   3. The distance requirements established by subsection B.1.a of this section shall apply to:
      a. Any adult business operating as a legal conforming use with an approved adult business license from the city;
      b. Any adult business that has an approved adult business license from the city, but has not yet begun operating the business at the approved business location.
   4. The distance requirements established in subsection B.1 of this section shall apply to those uses/designations/zones specified in subsections B.1.b through B.1.g of this section that:
21.43.040

A. Are existing; or
b. Have received approval by the city for the use/zone/designation and said approval has not expired or become invalid.

5. The distance requirements from the uses/designations/zones specified in subsections B.1.b through B.1.g of this section shall not apply to those uses/designations/zones for which the city is reviewing but has not yet approved an application to establish the use/designation/zone.

C. Other Location Requirements.

1. An adult business that either: (a) has an approved adult business license from the city, but has not yet begun operating the business at the approved business location, or (b) is operating as a legal conforming use with an approved adult business license from the city, shall not be rendered a nonconforming or illegal use by the subsequent location of child day care centers, parks, religious institutions/places of worship, residential land use designations, residential zones, or schools that are within the locational limitations set forth in this section.

a. A use shall be deemed to be subsequently located if it is established within the locational limitations of this section following the date an application for an adult business license is filed pursuant to the requirements of Chapter 8.60 of the Municipal Code. (Ord. CS-063 § VI, 2009)

21.43.040 Other requirements for adult businesses.

A. All adult businesses shall comply with the requirements of Chapter 8.60 of the Municipal Code.

B. All adult business performers shall comply with the requirements of Chapter 8.70 of the Municipal Code.

C. No building permit, adult business license, or other permit or entitlement for use shall be legally valid if issued to any adult business proposed to operate or to be established in the city unless the location requirements specified in Section 21.43.030 are satisfied. (Ord. CS-063 § VI, 2009)

21.43.050 Violations.

A. Any owner, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including license revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

B. In addition to the remedies set forth in subsection A of this section, any adult business that is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

C. The restrictions imposed pursuant to this section do not constitute a criminal offense. Notwithstanding any other provision of the Carlsbad Municipal Code, the city does not impose a criminal penalty for violations of the provisions of this ordinance related to adult businesses. (Ord. CS-063 § VI, 2009)
Chapter 21.44

PARKING*

Sections:
21.44.010   Required off-street parking.
21.44.020   Off-street parking spaces required.
21.44.030   Parking requirements for uses not specified.
21.44.040   Waiver or modification of parking standards.
21.44.050   General requirements.
21.44.060   Off-street parking—Residential zones.
21.44.070   Comprehensive planned facilities.
21.44.080   Joint use of off-street parking facilities.
21.44.090   Common parking facilities.
21.44.100   Parking area plan.


21.44.010 Required off-street parking.
A. Off-street parking, designed in accordance with the requirements of this chapter, shall be provided for:
   1. All newly constructed buildings;
   2. Additions to existing buildings, except for:
      a. An existing single family residence which does not meet the required parking standard (i.e. a two-car garage) may expand floor area if a minimum of two off-street parking spaces are provided on-site in a location consistent with Section 21.44.060.
   3. Any change of use within an existing building.
B. All required parking shall be made permanently available and be permanently maintained for parking purposes.
C. 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. (Ord. CS-050 § III, 2009; Ord. NS-834 § I, 2007)

21.44.020 Off-street parking spaces required.
A. The number of off-street parking spaces required for the uses or structures designated in this section shall be no less than as set forth in Table A, below.
B. In the case of multiple uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, except as otherwise noted. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified in Section 21.44.080 for joint use.
# Table A
## Number of Off-Street Parking Spaces Required

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family dwellings</td>
<td>Two spaces per unit, provided as either:</td>
</tr>
<tr>
<td></td>
<td>• a two-car garage (minimum interior 20 feet × 20 feet); or</td>
</tr>
<tr>
<td></td>
<td>• two separate one-car garages (minimum interior 12 feet × 20 feet each)</td>
</tr>
<tr>
<td>Two-family dwellings (apartments only), for condominium projects see “planned developments”</td>
<td>Same as required for one-family dwellings</td>
</tr>
<tr>
<td></td>
<td>Visitor parking</td>
</tr>
<tr>
<td></td>
<td>Same as required for multiple-family dwelling visitor parking</td>
</tr>
<tr>
<td>Multiple-family dwellings (apartments only), for condominium projects see “planned developments”</td>
<td>Studio and one-bedroom units</td>
</tr>
<tr>
<td></td>
<td>1.5 spaces/unit, one of which must be covered</td>
</tr>
<tr>
<td>Units with two or more bedrooms</td>
<td>2 spaces/unit, one of which must be covered</td>
</tr>
<tr>
<td>Visitor parking</td>
<td>Projects with 10 units or fewer</td>
</tr>
<tr>
<td></td>
<td>0.30 space per each unit</td>
</tr>
<tr>
<td></td>
<td>Projects with 11 units or more</td>
</tr>
<tr>
<td></td>
<td>0.25 space per each unit</td>
</tr>
<tr>
<td></td>
<td>Visitor parking may be covered or uncovered</td>
</tr>
<tr>
<td>Residential Uses</td>
<td>Second dwelling units</td>
</tr>
<tr>
<td></td>
<td>1 space (covered or uncovered), in addition to the parking required for the primary use (single, one-family dwelling)</td>
</tr>
<tr>
<td></td>
<td>The additional parking space may be provided through tandem parking (provided that the one-family dwelling garage is accessed by a driveway with a minimum depth of 20 feet), or within the front yard setback</td>
</tr>
<tr>
<td>Planned developments</td>
<td>See Chapter 21.45</td>
</tr>
<tr>
<td>Fraternities</td>
<td>1.25 spaces for each sleeping room</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>2 paved and covered spaces per unit</td>
</tr>
<tr>
<td></td>
<td>1 visitor parking space for every 4 units. On-street parking may be counted towards meeting the visitor parking requirement</td>
</tr>
<tr>
<td></td>
<td>Recreation and laundry areas combined shall have sufficient parking facilities to accommodate one automobile for every five mobile home sites up to fifty lots and one space for each ten lots thereafter</td>
</tr>
<tr>
<td>Residential care facilities</td>
<td>2 spaces, plus 1 space/three beds</td>
</tr>
<tr>
<td>Rooming house</td>
<td>1 space for each sleeping room</td>
</tr>
<tr>
<td>Housing for senior citizens</td>
<td>1.5 covered spaces per unit, plus 1 covered space for an onsite manager’s unit (when provided), and 1 visitor parking space per every five units, subject to approval of a site development plan</td>
</tr>
<tr>
<td>Time-share projects</td>
<td>1.2 spaces per unit</td>
</tr>
<tr>
<td>Emergency shelters</td>
<td>The number of required parking spaces shall be determined by the city planner and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) employees, (2) beds, and (3) service deliveries.</td>
</tr>
<tr>
<td>Farmworker housing complex, large</td>
<td>The number of required parking spaces shall be determined by the city planner and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) employees, (2) beds, and (3) service deliveries.</td>
</tr>
<tr>
<td>Farmworker housing</td>
<td>One parking space for every four beds plus one space for an on-site</td>
</tr>
<tr>
<td>Use</td>
<td>Number of Off-Street Parking Spaces</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>complex, small manager</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast uses</td>
<td>2 spaces, one of which must be covered for the owner’s unit, plus 1 space for each guest room</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>6 per alley</td>
</tr>
<tr>
<td>Car rental agencies</td>
<td>1 space/250 square feet of gross floor area and customer waiting area. Adequate rental car fleet parking shall be addressed through a fleet parking plan that shall be reviewed and approved by the city planner</td>
</tr>
<tr>
<td>Child care center</td>
<td>1 space/employee plus 1 space for each 10 children</td>
</tr>
<tr>
<td>Delicatessen</td>
<td>1 space/250 square feet of gross floor area</td>
</tr>
<tr>
<td>Driving ranges</td>
<td>1 space/tee plus required parking for accessory uses</td>
</tr>
<tr>
<td>Educational facilities, other</td>
<td>1 space/200 square feet of gross floor area</td>
</tr>
<tr>
<td>Educational institution or school</td>
<td></td>
</tr>
<tr>
<td>Preschools/ Nurseries</td>
<td>1 space/employee plus 1 space for each 10 students, with an adequate loading and unloading area</td>
</tr>
<tr>
<td>Elementary Schools</td>
<td>1 space/employee, with an adequate loading and unloading area</td>
</tr>
<tr>
<td>High Schools</td>
<td>1 space/employee plus 1 space for each 10 students, with an adequate loading and unloading area</td>
</tr>
<tr>
<td>Colleges</td>
<td>1 space/employee plus 1 space for each 3 students, with an adequate loading and unloading area</td>
</tr>
<tr>
<td>Medical Office</td>
<td>1 space/200 square feet of gross floor area</td>
</tr>
<tr>
<td>Financial institutions and professional offices</td>
<td></td>
</tr>
<tr>
<td>Financial institutions</td>
<td>1 space/250 square feet of gross floor area</td>
</tr>
<tr>
<td>Other office uses</td>
<td>1 space/250 square feet of gross floor area</td>
</tr>
<tr>
<td>Office uses in the village review zone and areas within 300 feet of its boundary</td>
<td>1 space/300 square feet of gross floor area</td>
</tr>
<tr>
<td>Furniture and appliance sales</td>
<td>1 space/600 square feet of gross floor area</td>
</tr>
<tr>
<td>Motor vehicle uses</td>
<td></td>
</tr>
<tr>
<td>Gas Stations</td>
<td>1 space/300 square feet of gross floor area, excluding work bays associated with vehicle repair</td>
</tr>
<tr>
<td>Use</td>
<td>Number of Off-Street Parking Spaces</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Gas stations that include motor vehicle repair services shall provide additional parking as required for motor vehicle “repair” uses</td>
<td></td>
</tr>
<tr>
<td>Sales</td>
<td>1 space/400 square feet of gross floor area</td>
</tr>
<tr>
<td>Repair</td>
<td>4 spaces for every work bay (up through three work bays), plus 2 spaces per bay in excess of three bays. Work bays do not count as parking spaces</td>
</tr>
<tr>
<td>Museums</td>
<td>1 space/500 square feet of gross floor area</td>
</tr>
<tr>
<td>Personal and professional services&lt;sup&gt;3&lt;/sup&gt;</td>
<td>1 space/300 square feet of gross floor area</td>
</tr>
<tr>
<td>Professional care facilities</td>
<td>0.45 parking spaces per every bed</td>
</tr>
<tr>
<td>Public assembly</td>
<td>1 space/5 seats, or 1 space/100 square feet of assembly area, whichever is greater</td>
</tr>
<tr>
<td>Recreational vehicle storage areas</td>
<td>1 space for every 10,000 square feet of storage area, with a minimum of 3 spaces</td>
</tr>
<tr>
<td>Recycling facilities</td>
<td>1 space per employee plus 1 space for each commercial vehicle of the recycling facility; and space for a minimum of 6 vehicles or the anticipated peak hourly customer load, whichever is greater, as determined by the city planner</td>
</tr>
<tr>
<td>Research and development (R&amp;D)</td>
<td>1 space/250 square feet of gross floor area</td>
</tr>
<tr>
<td>Bio industrial R&amp;D - 1 space/300 square feet of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Restaurants</td>
<td>Less than 4,000 square feet in size 1 space/100 square feet of gross floor area</td>
</tr>
<tr>
<td>4,000 square feet or greater</td>
<td>40 spaces plus 1 space/50 square feet of gross floor area in excess of 4,000 square feet</td>
</tr>
<tr>
<td>Retail uses</td>
<td>Individual 1 space/300 square feet of gross floor area</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>1 space/200 square feet of gross floor area</td>
</tr>
<tr>
<td>Visitor/information center</td>
<td>1 space per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 space/5 seats</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 space/1,000 square feet of gross floor area, plus 1 space for each vehicle used in conjunction with the use</td>
</tr>
</tbody>
</table>

**Notes:**

1. Projects proposing a “spec” industrial building may provide parking at manufacturing or warehouse standards, provided a deed restriction is recorded on the property indicating that these uses on the property will be retained and no other type of use creating a need for additional parking will be permitted, unless more parking area is provided to meet city parking standards.

2. Uses permitted in the underlying zone may be allowed in under-parked shopping centers without the need to provide additional parking, provided there is no expansion of floor area (this does not apply to conditionally permitted uses).

3. Personal and professional service uses include, but are not limited to, copying/duplicating services, dry cleaners, laundromats, beauty and barber shops, cosmetic services, nail salons, shoe/garment repair, travel agent, etc.


### 21.44.030 Parking requirements for uses not specified.

**A.** Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the city planner. Such determination shall be based upon the following:
1. The parking requirements for the most comparable use specified in this chapter; and/or
2. A parking study or other evidence satisfactory to the city planner. (Ord. CS-164 § 10, 2011; CS-102 § LXXXIX, 2010; Ord. NS-834 § I, 2007)

21.44.040 Waiver or modification of parking standards.
A. The city planner may waive or modify the provisions as set forth in this title establishing required parking areas for uses such as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses of a similar or like nature where there are a minimal number of employees/occupants.

B. The city planner may modify the required parking standards where it can be demonstrated that adequate parking will be provided and the modification will not adversely affect the neighborhood or the site design and circulation. The modification shall be based on the results of a parking study prepared by a registered traffic engineer or other qualified parking consultant, or other evidence satisfactory to the city planner. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XC, 2010)

21.44.050 General requirements.
A. The following general requirements shall apply to all parking spaces and areas:

Table B
Parking Spaces and Areas

<table>
<thead>
<tr>
<th>Subject</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking space size</td>
<td>Standard parking space</td>
</tr>
<tr>
<td></td>
<td>Minimum area of 170 square feet</td>
</tr>
<tr>
<td></td>
<td>Minimum width of 8.5 feet</td>
</tr>
<tr>
<td></td>
<td>Maximum overhang of 2.5 feet, provided the overhang does not encroach into any required landscape setback</td>
</tr>
<tr>
<td>Parallel parking space</td>
<td>Minimum length of 24 feet, exclusive of driveway/drive-aisle entrances and aprons</td>
</tr>
<tr>
<td>Compact parking space</td>
<td>Minimum width of 8 feet</td>
</tr>
<tr>
<td></td>
<td>Minimum length of 15 feet</td>
</tr>
<tr>
<td></td>
<td>No overhang permitted</td>
</tr>
<tr>
<td>Nonresidential zones</td>
<td>Up to 25% of the total required parking spaces may be compact spaces</td>
</tr>
<tr>
<td>Residential zones</td>
<td>Up to 45% of the required visitor parking spaces may be compact spaces</td>
</tr>
<tr>
<td>All zones</td>
<td>Compact car spaces shall be located in separate parking aisles from standard sized spaces</td>
</tr>
<tr>
<td></td>
<td>Aisles for compact car spaces shall be clearly marked with permanent pole signs denoting “Compact Cars Only”</td>
</tr>
<tr>
<td>Compact parking</td>
<td>Compact car spaces shall be located in close proximity to the facility they are intended serve, so as to encourage their maximum usage</td>
</tr>
<tr>
<td>Minimum width of aisles that provide access to parking spaces</td>
<td>30 and 45 degree parking</td>
</tr>
<tr>
<td></td>
<td>One-way traffic 14 feet wide</td>
</tr>
<tr>
<td></td>
<td>Two-way traffic 24 feet wide</td>
</tr>
<tr>
<td>60 degree parking</td>
<td>One-way traffic 18 feet wide</td>
</tr>
<tr>
<td></td>
<td>Two-way traffic 24 feet wide</td>
</tr>
<tr>
<td>90 degree parking</td>
<td>24 feet wide</td>
</tr>
<tr>
<td>Subject</td>
<td>Requirement</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>Subject</strong></td>
<td><strong>Requirement</strong></td>
</tr>
<tr>
<td>20 feet - where no vehicles pull into or back-out into a drive-aisle from a parking space</td>
<td>Additional width may be required for vehicle/emergency vehicle maneuvering area</td>
</tr>
<tr>
<td><strong>Circulation</strong></td>
<td>Circulation within a parking area must be such that a car entering the parking area need not enter a street to reach another aisle and that a car need not enter a street backwards. This provision shall not apply to off-street parking required for one-family and two-family dwelling units.</td>
</tr>
<tr>
<td><strong>Location of required parking</strong></td>
<td>For one-family, two-family, and multiple-family dwellings: See Section 21.44.060</td>
</tr>
<tr>
<td>For other residential uses or care facilities (e.g., housing for senior citizens, hospitals, and, when serving more than six persons, residential care facilities, etc.)</td>
<td>Not more than 150 feet walking distance from the nearest point of the parking facility to the nearest point of the building that the parking facility is required to serve.</td>
</tr>
<tr>
<td>For uses other than those specified above</td>
<td>Not more than 300 feet walking distance from the nearest point of the parking facility to the nearest point of the building that the parking facility is required to serve.</td>
</tr>
<tr>
<td><strong>Required landscaping of parking areas</strong></td>
<td>For purposes of required landscaping, the words “parking area” shall include all blacktop or paved areas, including access ways and areas.</td>
</tr>
<tr>
<td>For parking areas having a capacity of five or more vehicles (except parking provided for one-family and two-family dwellings)</td>
<td>At least 3% of the parking area shall be planted and maintained with trees listed on the city’s official street tree list, or approved shrubs. Said trees or shrubs shall be:</td>
</tr>
<tr>
<td></td>
<td>• Contained in planting areas with a minimum dimension of 4 feet and bounded by a concrete or masonry curb of a minimum of 6 inches in height;</td>
</tr>
<tr>
<td></td>
<td>• Located throughout the off-street parking areas in order to obtain the maximum amount of dispersion.</td>
</tr>
<tr>
<td>All landscaped areas shall be served by a water irrigation system and be supplied with bubblers or sprinklers.</td>
<td></td>
</tr>
<tr>
<td>All plans for such landscaped areas shall be approved by the city planner prior to the construction and placement thereof.</td>
<td></td>
</tr>
<tr>
<td><strong>Surfacing</strong></td>
<td>Off-street parking areas shall be paved or otherwise surfaced and maintained so as to eliminate dust or mud, and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed across sidewalks or driveways.</td>
</tr>
<tr>
<td><strong>Development and maintenance of public or private parking areas with a capacity for 5 or more vehicles</strong></td>
<td>Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than 6 inches in height, and located not less than 2 feet from such street or alley property lines, and such curb or barrier shall be securely installed and maintained; provided no such curb or barrier shall be required across any driveway or entrance to such parking area.</td>
</tr>
<tr>
<td>Border barricades, screening, and landscaping</td>
<td>Every parking area abutting property located in a residential zone shall be separated from such property by a solid wall, view-obscuring fence or compact evergreen hedge 6 feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous residentially zoned property; provided, that along the required front yard, the fence, wall or hedge shall not exceed 42 inches in height.</td>
</tr>
</tbody>
</table>
Subject | Requirement
---|---
height. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent to a residential zone is 6 feet or more below the elevation of such residentially zoned property along the common property line. | Any lights provided to illuminate any public parking area, semi-public parking area or used car sales area permitted by this chapter shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located.

Entrances and exits | The location and design of all entrances and exits shall be subject to the approval of the city planner or other designated person, provided no entrance or exit, other than on or from an alley, shall be closer than 5 feet to any lot located in a residential zone.

Parking areas for commercial or office/professional uses in R-3, R-P and R-T zones | No parking lot to be used as an accessory to a commercial or office/professional establishment shall be established until reviewed by the city planner and its location approved. Such approval may be conditioned upon the city planner requiring the planting and/or maintenance of trees, shrubs or other landscaping within and along the borders of such parking area.

The parking lot shall be no farther than fifty feet when measured from its closest boundary to the commercial or office/professional establishment to which it is accessory. Such parking lot shall be used solely for the parking of private passenger vehicles.

(Ord. CS-249 § XVIII, 2014; Ord. CS-178 § LXXVI, 2012; Ord. CS-164 § 10, 2011; Ord. NS-834 § I, 2007)

21.44.060 Off-street parking—Residential zones.
A. In all residential zones the following parking regulations shall apply:

1. Garages, parking stalls, carports and RV parking spaces (excluding those in approved RV parking lots) shall be for the exclusive use of the residents only and shall not be separately sold or rented to nonresidents of the property.

2. Required parking spaces for dwelling units shall be located subject to the following:

**Table C**

Location of Required Parking Spaces in Residential Zones

<table>
<thead>
<tr>
<th>Parking Required For:</th>
<th>Location Standards For Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family, two-family, and multiple-family dwellings</td>
<td>Required parking spaces shall be located on the same lot or building site as the buildings they are required to serve.</td>
</tr>
<tr>
<td>All dwelling types</td>
<td>Required parking shall not be located within the front yard setback.</td>
</tr>
<tr>
<td></td>
<td>Required uncovered parking spaces may be located within the side and/or rear yard setback, provided that a 6-foot-high masonry wall (or some other solid material approved by the decision-making authority) is built along the property line adjacent to the setback area.</td>
</tr>
<tr>
<td>Multiple-family dwellings</td>
<td>Required parking spaces shall be located no more than 150 feet as measured in a logical walking path from the entrance to the unit it could be considered to serve.</td>
</tr>
<tr>
<td>Visitor parking for two-family and multiple-family dwellings</td>
<td>Same as parking required for primary residential use, with the following exception:</td>
</tr>
<tr>
<td></td>
<td>• Required visitor parking need not be located within a garage.</td>
</tr>
<tr>
<td></td>
<td>• Required visitor parking spaces shall be not more than 300</td>
</tr>
</tbody>
</table>

973
Parking Required For | Location Standards For Required Parking Spaces
--- | ---
feet walking distance to the unit the parking space is required to serve.  
• For projects with 10 or fewer units (outside the Beach Area Overlay Zone), all required visitor parking may be located within driveways (located in front of a unit’s garage), provided that all dwelling units in the project have driveways with a depth of 20 feet or more (measured from the front property line, back of sidewalk, or edge of drive-aisle, whichever is closest to the structure).

Second dwelling units | Same as parking required for primary residential use, with the following exceptions:  
• May be located in the front yard setback; and  
• May be located as a tandem space on a driveway in front of the primary residence’s garage (provided the garage is set back a minimum of 20 feet from the property line).

Existing substandard frontage lots with a width of less than 50 feet | Tandem parking within the front yard setback shall be permitted, provided:  
• There is a minimum of one parking space per dwelling unit located within the required setback lines; and  
• The front yard building setback is no less than 20 feet (in the R-W zone, the front yard setback shall be no less than 10 feet to a second or third building floor).

Subterranean parking | A zero foot setback for subterranean parking shall be permitted, provided that within the setback area(s) all of the “subterranean parking structure” is completely underground and the setbacks are fully landscaped, except for driveways necessary to provide access.

3. Garages in residential zones shall be constructed according to the following standards:

**Table D**

Residential Garage Standards

<table>
<thead>
<tr>
<th>Residential Use</th>
<th>Garage Standard</th>
</tr>
</thead>
</table>
| **Garages for one-family and two-family dwellings** | The two required parking spaces per unit shall be provided within either:  
• A two-car garage with a minimum interior dimension of 20 feet by 20 feet; or  
• Two one-car garages with interior dimensions of 12 feet by 20 feet each. |
| One-car garage | Minimum interior dimensions of 12 feet by 20 feet. |
| Two-car garage (both spaces for same unit) | Minimum interior dimensions of 20 feet by 20 feet. |
| Multiple one-car garages in one structure | Each separate, one-car garage shall have interior dimensions of 12 feet by 20 feet, exclusive of supporting columns.  
As a minimum, each space shall be separated from the adjacent garage, floor to ceiling, by a permanent stud partition with ½-inch gypsum board on one side, where no additional fire protection is required. |
| Enclosed parking garage with multiple, open parking spaces | Each parking space shall maintain a standard stall size of 8.5 feet by 20 feet, exclusive of supporting columns or posts.  
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. |
4. The parking of vehicles in residential zones shall be subject to the following regulations:

**Table E**

- **Where Vehicles Can Be Parked in Residential Zones**

<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Where Vehicles Can Be Parked</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Passenger vehicles, and light-duty commercial vehicles used as a principal means of transportation by an occupant of the dwelling</strong></td>
<td></td>
</tr>
<tr>
<td>One-family, two-family, and multiple-family dwellings</td>
<td>Garage</td>
</tr>
<tr>
<td></td>
<td>Covered or uncovered parking spaces provided as required for the dwelling unit</td>
</tr>
<tr>
<td></td>
<td>In the required front yard on a paved driveway or parking area that:</td>
</tr>
<tr>
<td></td>
<td>1. Does not exceed 30% of the required front yard area; or</td>
</tr>
<tr>
<td></td>
<td>2. Is comprised of 24 feet of width extended from the property line to the rear of the required front yard, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td>A paved area between the required front yard and the actual front of the building, as long as it is an extension and does not exceed the width of the area described above.</td>
</tr>
<tr>
<td></td>
<td>Any other area of the lot provided that they are screened from view from the public right-of-way.</td>
</tr>
<tr>
<td></td>
<td>For corner lots, the provisions of this subsection shall apply to the required street side yard; however, in no case, shall the provisions of this section allow parking in both the required front yard and the required street side yard.</td>
</tr>
<tr>
<td></td>
<td>In an enclosed structure observing all required setbacks</td>
</tr>
<tr>
<td></td>
<td>Open parking in the side yard or the rear yard</td>
</tr>
<tr>
<td></td>
<td>Subject to city planner approval, open parking in the required front yard is permitted if the parking area does not exceed the maximum paved area permitted for passenger vehicles, and that access to the side or rear yard cannot be provided. In making this determination, the city planner shall give notice pursuant to Section 21.54.060.B and shall consider:</td>
</tr>
<tr>
<td></td>
<td>1. Whether parking in, or access to, the side or rear yard would require structural alteration to the existing residence, or would require the removal of significant or unique landscaping. A fence shall not be deemed to prevent access to the side or rear yard;</td>
</tr>
<tr>
<td></td>
<td>2. Whether parking in or access to the side or rear yard would require extensive grading;</td>
</tr>
<tr>
<td></td>
<td>3. Whether, because of the configuration of the lot, existing landscaping, the location of the structures on the lot, and the size of the recreational vehicle, parking of the recreational vehicle in the front yard would interfere with visibility to or from any street;</td>
</tr>
<tr>
<td></td>
<td>4. Whether allowing parking of the recreational vehicle in the front yard would interfere with traffic on the street or sidewalk, or would encroach into the street and utility right-of-way.</td>
</tr>
<tr>
<td></td>
<td>Any person may file an objection to the decision or request an administrative hearing with the city planner pursuant to Section 21.54.060.B. The decision of the city planner shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title.</td>
</tr>
<tr>
<td></td>
<td>Note: A corner lot is deemed to have reasonable access to the rear yard.</td>
</tr>
<tr>
<td></td>
<td>Notwithstanding the above, during the construction of a permanent one-family dwelling on a lot, the owner of the lot may live in a recreational vehicle upon said lot during construction of said dwelling for a period not to exceed six months.</td>
</tr>
</tbody>
</table>

975
### Type of Vehicle

<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Where Vehicles Can Be Parked</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inoperable vehicles</strong></td>
<td>The provisions listed in this section are not intended to supersede more restrictive homeowner provisions contained in approved conditions, covenants and restrictions (CC&amp;Rs). If the provisions of any such CC&amp;Rs are less restrictive than the ordinance codified in this section, then the provisions contained herein shall apply.</td>
</tr>
</tbody>
</table>
| One-family, two-family, and multiple-family dwellings | Storage or parking of inoperable, wrecked, dismantled or abandoned vehicles shall be regulated by Chapter 10.52 of this code, with the following exception:  
• For one-family dwellings on individual lots, not more than two vehicles in any inoperable, wrecked or dismantled condition may be parked in the side yard or rear yard while said vehicles are being repaired or restored by the owner of the property, provided the vehicles are visually screened from the public right-of-way. |
| **Heavy-duty commercial vehicles**  | No heavy-duty commercial vehicles as defined by Section 10.40.075 of this code, except for trailers as permitted by the provision for “recreational vehicles, boats, and trailers” above, shall be parked on any residential lot, except while loading or unloading property; or when such vehicle is parked in connection with, and in aide of, the performance of a service to the property on which the vehicle is parked. |
| One-family, two-family, and multiple-family dwellings |                                                                                                                                                                                                                         |

(Ord. CS-178 § LXXV, 2012; Ord. CS-164 § 10, 2011; Ord. NS-834 § I, 2007)

### 21.44.070 Comprehensive planned facilities.

A. Areas may be exempted from the parking requirements as otherwise set up in this chapter, provided:

1. Such area shall be accurately defined by the planning commission after processing in the same manner required for an amendment to the zoning title;
2. No such district may be established and exempted from the provisions of Section 21.44.020 unless sixty percent or more of all record lots comprising such proposed district are zoned to uses first permitted in a commercial (C) or industrial (M) zone;
3. Such exemptions shall apply only to uses first permitted in the commercial (C) or industrial (M) zones;
4. Before such defined district shall be exempt as provided in this section, active proceeding under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district. (Ord. NS-834 § I, 2007)

### 21.44.080 Joint use of off-street parking facilities.

A. Joint use of off-street parking facilities shall be allowed for uses or activities listed in subsection A.1 of this section, subject to the requirements of subsection A.2 of this section.

1. Uses or Activities.
   a. Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use;
   b. Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use;
c. Up to one hundred percent of the parking facilities required by this chapter for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use;

d. Up to fifty percent of the parking facilities required by this chapter for a church may be jointly utilized by an on-site, accessory, child day care center provided there is no substantial conflict in the principal operating hours of the church and child day care center;

e. The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses;

f. The following uses are typical of nighttime uses: dance halls, theaters and bars.

2. Requirements for Joint Use of Off-Street Parking.

a. The owner or lessee of the subject property shall provide written evidence to the planning division to demonstrate compliance with the provisions and requirements of this section.

b. The buildings or uses associated with the joint use of a parking facility shall be located within one hundred fifty feet of such parking facility;

c. The application shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of a parking facility is proposed;

d. Parties involved in the joint use of a parking facility shall provide evidence of agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this title, shall be recorded in the office of the county recorder and copies thereof filed with the city planner.

(Ord. CS-164 §§ 10, 11, 2011; Ord. CS-063 § VII, 2009; Ord. NS-834 § I, 2007)

21.44.090 Common parking facilities.

A. Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the decision-making authority as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately.

B. When any such common facility is to occupy a site of 5,000 square feet or more, then the parking requirements as specified herein for each of two or more participating buildings or uses may be reduced not more than 15%, subject to approval by the decision-making authority. (Ord. NS-834 § I, 2007)

21.44.100 Parking area plan.
The site plan submitted with a building permit application for the building to which a parking area is accessory shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking area. (Ord. NS-834 § I, 2007)
Chapter 21.45

PLANNED DEVELOPMENTS*

Sections:
21.45.010 Intent and purpose.
21.45.020 Applicability.
21.45.030 Definitions.
21.45.040 Permitted zones and uses.
21.45.050 Application and permit.
21.45.060 General development standards.
21.45.070 Development standards for one-family dwellings and twin-homes on small lots.
21.45.080 Development standards for condominium projects.
21.45.090 Residential additions and accessory uses.
21.45.100 Amendments to permits.
21.45.110 Conversion of existing buildings to planned developments.
21.45.130 Proposed common ownership land or improvements.
21.45.140 Maintenance.
21.45.150 Failure to maintain.
21.45.160 Model homes.
21.45.170 Restriction on reapplication for planned development permit.


21.45.010 Intent and purpose.
A. The purpose of the planned development ordinance is to:
   1. Recognize the need for a diversity of housing and product types;
   2. Provide a method for clustered property development that recognizes that the impacts of environmentally and topographically constrained land preclude the full development of a site as a standard single-family subdivision;
   3. Establish a process to approve the following:
      a. One-family dwellings and twin-homes on individual lots of less than seven thousand five hundred square feet in size or as otherwise allowed by the underlying zone;
      b. Condominium projects consisting of two-family and multiple-family dwellings, as well as one-family dwellings developed as two or more detached dwellings on one lot;
      c. Condominium conversions; and
      d. Private streets;
   4. Encourage and allow more creative and imaginative design by including relief from compliance with standard residential zoning regulations. To offset this flexibility in development standards, planned developments are required to incorporate amenities and features not normally required of standard residential developments. (Ord. NS-834 § II, 2007)

21.45.020 Applicability.
A. A planned development permit is required for the development of one-family dwellings or twin-homes on lots of less than seven thousand five hundred square feet or as otherwise allowed by the underlying zone, attached or detached condominiums, condominium conversions, and private streets.
B. These regulations do not apply to attached residential units proposed for inclusion as part of a commercial development project.
C. Any application for a planned development permit that was deemed complete prior to the effective date of the ordinance reenacting this chapter, shall not be subject to the amended provisions of this chapter but shall be processed and approved or disapproved pursuant to the ordinance superseded by the ordinance codified in this chapter.

D. If there is a conflict between the regulations of this chapter and any regulations approved as part of the city’s certified local coastal program, a redevelopment plan, master plan or specific plan, the regulations of the local coastal program, redevelopment plan, master plan or specific plan shall prevail.

E. A planned development permit shall apply to residential projects only, as specified in Table A, Permitted Residential Uses, of this chapter.

F. A planned development permit shall be required for the development of a private street within a residential development that is not otherwise subject to the requirements of this chapter. Such residential development shall not be subject to any development standard of this chapter, except the private street standards. (Ord. NS-834 § II, 2007)

21.45.030 Definitions.
A. Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

1. “Condominium project” means a common interest development defined by Section 4100 of the California Civil Code, and which consists of two or more attached or detached dwelling units on one lot.

2. “Drive-aisle” means an improved surface on private property intended for shared vehicular access (serving two or more residential units, attached or detached) from a public/private street to a driveway(s) or open/enclosed parking.

3. “Driveway” means an improved surface on private property intended for exclusive vehicular access from a public/private street or drive-aisle to open/enclosed parking for a single residential unit (attached or detached).

4. “Net pad area” means the building pad of a lot excluding all natural or manufactured slopes greater than 3 feet in height except intervening manufactured slopes between split-level pads on a single lot.

5. “Planned development” means a form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, recreation and streets.

6. “Twin-home” means two dwellings attached by a common wall where each dwelling is on a separate lot that allows for separate ownership. (Ord. CS-242 § 1, 2014; Ord. NS-834 § II, 2007)

21.45.040 Permitted zones and uses.
Table A, Permitted Residential Uses, specifies the types of residential uses, and the zones where such uses are permitted, subject to the approval of a planned development permit. The uses specified in Table A are in addition to any principal use, accessory use, transitional use or conditional use permitted in the underlying zone.
Table A
Permitted Residential Uses

Legend:
P = Permitted.
(#) Number within parentheses = Permitted only in certain circumstances.
X = Not permitted.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Residential Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One-Family Dwelling or Twin-Home on Small Lots (one unit per lot)</td>
</tr>
<tr>
<td>R-1</td>
<td>(1) or (4) One-family dwellings - (3) or (4) Two-family dwellings - (1) or (4)</td>
</tr>
<tr>
<td></td>
<td>Multiple-family dwellings - (4)</td>
</tr>
<tr>
<td>R-2</td>
<td>P One-family or two-family dwellings - P</td>
</tr>
<tr>
<td></td>
<td>Multiple-family dwellings - (2) or (4)</td>
</tr>
<tr>
<td>R-3</td>
<td>P P</td>
</tr>
<tr>
<td>RD-M</td>
<td>P P</td>
</tr>
<tr>
<td>R-W</td>
<td>X P</td>
</tr>
<tr>
<td>R-P</td>
<td>(5) (6) Permitted when the R-P zone implements the RMH land use designation.</td>
</tr>
<tr>
<td>RMHP</td>
<td>P P</td>
</tr>
<tr>
<td>P-C</td>
<td>(7) (7) Permitted uses shall be consistent with the master plan.</td>
</tr>
<tr>
<td>V-R</td>
<td>(8) (8) Refer to the Carlsbad Village Master Plan and Design Manual for permitted uses.</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>(9) (9) Refer to Table F for permitted accessory uses.</td>
</tr>
</tbody>
</table>

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 ninety feet in width, whichever is less.
(3) Permitted when developed as two or more detached units on one lot.
(4) Permitted when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan. In the case of a condominium project, attached or detached units may be permitted when the site contains sensitive biological resources.
(5) Permitted when the R-P zone implements the RMH land use designation.
(6) Permitted when the R-P zone implements the RMH or RH land use designations.
(7) Permitted uses shall be consistent with the master plan.
(8) Refer to the Carlsbad Village Master Plan and Design Manual for permitted uses.
(9) Refer to Table F for permitted accessory uses.

(Ord. CS-099 § II, 2010; Ord. NS-834 § II, 2007)

21.45.050 Application and permit.
A. Application and Fee.
   1. An application for a planned development permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
      a. Be made in writing on a form provided by the city planner;
      b. State fully the circumstances and conditions relied upon as grounds for the application; and
c. Be accompanied by adequate plans, a legal description of the property involved and all other materials as specified by the city planner.

d. A planned development permit application for a small-lot subdivision (intended to be developed with one dwelling per lot) may be approved without architecture and plotting; in which case, approval of a major planned development permit amendment will be required at a later date to authorize the proposed structures and their placement.

e. A planned development permit application for a condominium project shall require approval of architecture and plotting concurrent with the approval of the condominium subdivision.

f. The application for a planned development permit shall state the proposed method of land division (i.e., small lots, or air-space condominiums).

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

B. Processing Procedures. Table B, Processing Procedures, identifies required procedures for minor (four or fewer dwelling units) and major (five or more dwelling units) planned development permits.

Table B
Processing Procedures

<table>
<thead>
<tr>
<th>Topic</th>
<th>Minor Planned Development Permit</th>
<th>Major Planned Development Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision-Making Authority</td>
<td>City Planner</td>
<td>Planning Commission (PC)</td>
</tr>
<tr>
<td>Map Required</td>
<td>Minor Subdivision Map (See Title 20, Chapter 20.24)</td>
<td>Major Subdivision Map (See Title 20, Chapter 20.12)</td>
</tr>
<tr>
<td>Required Findings</td>
<td>See Section 21.45.050.C</td>
<td>See Section 21.45.050.C</td>
</tr>
<tr>
<td>Announcement of Decision and Findings of Fact</td>
<td>See Chapter 21.54, Section 21.54.120</td>
<td>See Chapter 21.54, Section 21.54.120</td>
</tr>
<tr>
<td>Effective Date and Appeals</td>
<td>See Chapter 21.54, Section 21.54.140</td>
<td>See Chapter 21.54, Section 21.54.150</td>
</tr>
<tr>
<td>Amendments</td>
<td>See Section 21.45.100</td>
<td>See Section 21.45.100</td>
</tr>
</tbody>
</table>

C. Findings of Fact.

1. The decision-making authority shall approve or conditionally approve a planned development permit only if the following findings are made:

   a. The proposed project is consistent with the general plan, and complies with all applicable provisions of this chapter, and all other applicable provisions of this code.

   b. The proposed project will not be detrimental to existing uses, or to uses specifically permitted in the area in which the proposed use is to be located, and will not adversely impact the site, surroundings, or traffic.

   c. The project will not adversely affect the public health, safety, or general welfare.

   d. The project’s design, including architecture, streets, and site layout:

      i. Contributes to the community’s overall aesthetic quality;

      ii. Includes the use of harmonious materials and colors, and the appropriate use of landscaping; and

      iii. Achieves continuity among all elements of the project.

D. Modifications to Development Standards.
1. The decision-making authority may approve a modification to the development standards specified in this chapter if all of the following findings are made in writing:
   a. The proposed planned development designed with the modified development standard(s) is consistent with the purpose and intent of this chapter; and
   b. The proposed modification(s) will result in the preservation of natural habitat as required by the Carlsbad Habitat Management Plan (HMP); and
   c. The amount of natural habitat preservation required by the HMP could not be achieved by strict adherence to the development standards of this chapter; and
   d. The proposed modification(s) will not adversely affect the public health, safety, or general welfare; and
   e. If the project is located within the coastal zone, the modification is consistent with all local coastal program policies and standards for the protection of coastal resources.

2. Any application for a planned development permit that involves a request for a modification to the development standards of this chapter shall include documentation that clearly demonstrates the modification is necessary to implement the natural habitat preservation requirements of the HMP.

3. The decision-making authority may modify the plan, or impose such conditions or requirements that are more restrictive than the development standards specified in this chapter, the underlying zone or elsewhere in this code, as deemed necessary to protect the public health, safety and general welfare, or to insure conformity with the general plan and other adopted policies, goals or objectives of the city. (Ord. CS-178 § LXXVIII, 2012; Ord. CS-164 §§ 10, 11, 2011; Ord. NS-834 § II, 2007)

21.45.060 General development standards.
   A. All planned developments shall comply with the general development standards specified in Table C below. Specific standards applicable to one-family dwellings and twin-homes on small-lots can be found in Table D; and standards applicable to condominium projects can be found in Table E.
   B. In addition to the provisions of this chapter, a planned development project shall be subject to the development standards of the project site’s underlying zone.
   C. If there is a conflict between the development standards of this chapter and the development standards applicable to the project site’s underlying zone, the standards of this chapter shall prevail. Exception: the development standards specified in the city’s local coastal program, a redevelopment plan, master plan or specific plan shall prevail if such standards conflict with the standards of this chapter.
   D. When approved, a planned development permit shall become a part of the zoning regulations applicable to the subject property.

<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.1</td>
<td>Density</td>
<td>Per the underlying General Plan designation. When two or more general plan land use designations exist within a planned development, the density may be transferred from one general plan designation to another with a general plan amendment.</td>
</tr>
<tr>
<td>C.2</td>
<td>Arterial Setbacks</td>
<td>All dwelling units adjacent to any arterial road shown on the Circulation Element of the General Plan shall maintain the following minimum setbacks from the right-of-way: Prime Arterial: 50 feet; Major Arterial: 40 feet; Secondary Arterial: 30 feet;</td>
</tr>
<tr>
<td>REF. NO.</td>
<td>SUBJECT</td>
<td>DEVELOPMENT STANDARD</td>
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</tr>
</tbody>
</table>
|          | Carlsbad Boulevard: 20 feet | Half (50%) of the required arterial setback area located closest to the arterial shall be fully landscaped to enhance the streetscape and buffer homes from traffic on adjacent arterials, and  
- Shall contain a minimum of one 24" box tree for every 30 lineal feet of street frontage;  
- Shall be commonly owned and maintained  
Project perimeter walls greater than 42 inches in height shall not be located in the required landscaped portion of the arterial setback, except noise attenuation walls that  
- Are required by a noise study, and  
- Due to topography, are necessary to be placed within the required landscaped portion of the arterial setback |
| C.3     | Permitted Intrusions into Setbacks/Building Separation | Permitted intrusions into required building setbacks shall be the same as specified in Section 21.46.120 of this code. The same intrusions specified in Section 21.46.120 shall be permitted into required building separation. |
| C.4     | Streets | Private  
Minimum right-of-way width 56 feet  
Minimum curb-to-curb width 34 feet  
Minimum parkway width (curb adjacent) 5.5 feet, including curb  
Minimum sidewalk width 5 feet (setback 6 inches from property line)  
Public  
Minimum right-of-way width 60 feet  
Minimum curb-to-curb width 34 feet  
Minimum parkway width (curb adjacent) 7.5 feet, including curb  
Minimum sidewalk width 5 feet (setback 6 inches from property line)  
Street trees within parkways  
One-family dwellings and twin homes on small lots  
A minimum of one street tree (24-inch box) per lot is required to be planted in the parkway along all streets  
Condominium projects  
Street trees shall be spaced no further apart than 30 feet on center within the parkway  
Tree species should be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage and minimize water consumption |
| C.5     | Drive-aisles | 3 or fewer dwelling units  
Minimum 12 feet wide when the drive-aisle is not required for emergency vehicle access, as determined by the Fire Chief.  
If the drive-aisle is required for emergency vehicle access, it shall be a minimum of 20 feet wide.  
4 or more dwelling units  
Minimum 20 feet wide.  
All projects  
No parking shall be permitted within the minimum required width of a drive-aisle.  
A minimum 24-foot vehicle back-up/maneuvering area shall be provided in front of garages, carports or uncovered parking spaces (this may include driveway area, drive-aisles, and streets). |
<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Additional width may be required for vehicle/emergency vehicle maneuvering area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parkways and/or sidewalks may be required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No more than 24 dwelling units shall be located along a single-entry drive-aisle.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All drive-aisles shall be enhanced with decorative pavement.</td>
</tr>
<tr>
<td>C.6</td>
<td>Number of Visitor Parking Spaces Required</td>
<td>Projects with 10 units or fewer: 0.30 space per each unit. Projects 11 units or more: 0.25 space per each unit. When calculating the required number of visitor parking spaces, if the calculation results in a fractional parking space, the required number of visitor parking spaces shall always be rounded up to the nearest whole number.</td>
</tr>
</tbody>
</table>
| C.7     | Location of Visitor Parking | On private/public streets: On-street visitor parking is permitted on private/public streets, subject to the following: • The private/public street is a minimum 34-feet wide (curb-to-curb) • There are no restrictions that would prohibit on-street parking where the visitor parking is proposed • The visitor parking spaces may be located: ◊ Along one or both sides of any private/public street(s) located within the project boundary, and ◊ Along the abutting side and portion of any existing public/private street(s) that is contiguous to the project boundary. In parking bays along public/private streets within the project boundary, provided the parking bays are outside the minimum required street right-of-way width. When visitor parking is provided as on-street parallel parking, not less than 24 lineal feet per space, exclusive of driveway/drive-aisle entrances and aprons, shall be provided for each parking space, except where parallel parking spaces are located immediately adjacent to driveway/drive-aisle aprons, then 20 lineal feet may be provided. Within the Beach Area Overlay Zone, on-street parking shall not count toward meeting the visitor parking requirement. On drive-aisles: Visitor parking must be provided in parking bays that are located outside the required minimum drive-aisle width. On a driveway: Outside the Beach Area Overlay Zone: One required visitor parking space may be credited for each driveway in a project that has a depth of 40 feet or more. For projects with 10 or fewer units, all required visitor parking may be located within driveways (located in front of a unit’s garage), provided that all dwelling units in the project have driveways with a depth of 20 feet or more. Within the Beach Area Overlay Zone: One required visitor parking space may be credited for...
<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>each driveway in a project that has a depth of 40 feet or more.</td>
</tr>
</tbody>
</table>
|         |                                | If the streets within and/or adjacent to the project allow for on-street parking on both sides of the street, then visitor parking may be located in a driveway, subject to the following:  
  • All required visitor parking may be located within driveways (located in front of a unit’s garage), provided that all dwelling units in the project have driveways with a depth of 20 feet or more.  
  • If less than 100% of the driveways in a project have a depth of 20 feet or more, then a 0.25 visitor parking space will be credited for each driveway in a project that has a depth of 20 feet or more (calculations resulting in a fractional parking space credit shall always be rounded down to the nearest whole number). |
<p>|         |                                | The minimum driveway depth required for visitor parking (20 feet or 40 feet) applies to driveways for front or side-loaded garages, and is measured from the property line, back of sidewalk, or from the edge of the drive-aisle, whichever is closest to the structure. |
|         |                                | All projects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|         |                                | For projects of more than 25 units, up to 25% of visitor parking may be provided as compact spaces (8 feet by 15 feet). No overhang is permitted into any required setback area or over sidewalks less than 6 feet wide. For all projects within the Beach Area Overlay Zone, up to 55% of the visitor parking may be provided as compact spaces (8 feet by 15 feet). |
|         | Compact parking                 | Distance from unit Visitor parking spaces must be located no more than 300 feet as measured in a logical walking path from the entrance of the unit it could be considered to serve.                                                                                                                                                                                                                                                                 |
| C.8     | Screening of Parking Areas      | Open parking areas should be screened from adjacent residences and public rights-of-way by either a view-obscuring wall, landscaped berm, or landscaping, except parking located within a driveway.                                                                                                                                                                                                                                                                 |
| C.9     | Community Recreational          | Community recreational space shall be provided for all projects of 11 or more dwelling units, as follows:                                                                                                                                                                                                                                                                                                                                      |</p>
<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum community recreational space required</td>
<td>Project is NOT within RH general plan designation 200 square feet per unit.  Project IS within RH general plan designation 150 square feet per unit.</td>
</tr>
<tr>
<td></td>
<td>Projects with 11 to 25 dwelling units</td>
<td>Community recreational space shall be provided as either (or both) passive or active recreation facilities.</td>
</tr>
<tr>
<td></td>
<td>Projects with 26 or more dwelling units</td>
<td>Community recreational space shall be provided as both passive and active recreational facilities with a minimum of 75% of the area allocated for active facilities.</td>
</tr>
<tr>
<td></td>
<td>Projects with 50 or more dwelling units</td>
<td>Community recreational space shall be provided as both passive and active recreational facilities for a variety of age groups (a minimum of 75% of the area allocated for active facilities).  For projects consisting of one-family dwellings or twin homes on small-lots, at least 25% of the community recreation space must be provided as pocket parks.  Pocket park lots must have a minimum width of 50 feet and be located at strategic locations such as street intersections (especially “T-intersections”) and where open space vistas may be achieved.</td>
</tr>
<tr>
<td></td>
<td>All projects (with 11 or more dwelling units)</td>
<td>Community recreational space shall be located and designed so as to be functional, usable, and easily accessible from the units it is intended to serve.  Credit for indoor recreation facilities shall not exceed 25% of the required community recreation area.  Required community recreation areas shall not be located in any required front yard and may not include any streets, drive-aisles, driveways, parking areas, storage areas, slopes of 5% or greater, or walkways (except those walkways that are clearly integral to the design of the recreation area).</td>
</tr>
<tr>
<td></td>
<td>Recreation Area Parking</td>
<td>In addition to required resident and visitor parking, recreation area parking shall be provided, as follows: 1 space for each 15 residential units, or fraction thereof, for units located more than 1,000 feet from a community recreation area.  The location of recreation area parking shall be subject to the same location requirements as for visitor parking, except that required recreation area parking shall not be located within a driveway(s).</td>
</tr>
</tbody>
</table>

Examples of recreation facilities include, but are not limited to, the following:

**Active**
- Swimming pool area
- Children’s playground equipment
- Spa
- Courts (tennis, racquetball, volleyball, basketball)
- Recreation rooms or buildings
- Horseshoe pits
- Pitch and putt

**Grassy play areas with a slope of less than 5% (minimum**
### 21.45.070 Development standards for one-family dwellings and twin-homes on small lots.

#### A. In addition to the general development standards found in Table C, planned developments that include one-family dwellings or twin-homes on small lots shall comply with the following development standards found in Table D, One-Family Dwellings and Twin-Homes on Small Lots.

<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Passive</td>
<td>Benches, Barbecues, Community gardens, Grass play areas with a slope of less than 5%.</td>
</tr>
<tr>
<td>C.10</td>
<td>Lighting</td>
<td>Lighting adequate for pedestrian and vehicular safety shall be provided.</td>
</tr>
<tr>
<td>C.11</td>
<td>Reserved</td>
<td></td>
</tr>
<tr>
<td>C.12</td>
<td>Recreational Vehicle (RV) Storage(1)</td>
<td>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 RMH or RH 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.</td>
</tr>
<tr>
<td>C.13</td>
<td>Storage Space</td>
<td>480 cubic feet of separate storage space per unit. If all storage for each unit is located in one area, the space may be reduced to 392 cubic feet. Required storage space shall be separately enclosed for each unit and be conveniently accessible to the outdoors. Required storage space may be designed as an enlargement of a covered parking structure provided it does not extend into the area of the required parking stall, and does not impede the ability to utilize the parking stall (for vehicle parking). A garage (12’ × 20’ one-car, 20’ × 20’ two-car, or larger) satisfies the required storage space per unit. This requirement is in addition to closets and other indoor storage areas.</td>
</tr>
</tbody>
</table>

Note

(1) This standard does not apply to housing for senior citizens (see Chapter 21.84 of this code).

(Ord. CS-164 § 10, 2011; Ord. CS-026 § 1, 2009; Ord. NS-834 § II, 2007)
### Table D
One-Family Dwellings and Twin-Homes on Small Lots

<table>
<thead>
<tr>
<th>REF. NO.</th>
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<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.1</td>
<td>Livable Neighborhood Policy</td>
<td>Must comply with city council Policy 66, Principles for the Development of Livable Neighborhoods.</td>
</tr>
</tbody>
</table>
| D.3     | Minimum Lot Area                 | **One-family dwellings** 5,000 square feet (one dwelling per lot)  
**Twin-homes** 3,750 square feet (one dwelling per lot)  
**Exception**  
1. The project site contains sensitive biological resources as identified in the Carlsbad habitat management plan; or  
2. The site has a general plan designation of RMH and unique circumstances such as one of the following exists:  
   a. The project is for lower income or senior citizen housing;  
   b. The site is located west of Interstate 5;  
   c. The dwelling units are designed with alley-loaded garages; or  
   d. The site is either located contiguous to a Circulation Element roadway or within 1,200 feet of a commuter rail/transit center, commercial center or employment center. |
| D.4     | Maximum Lot Coverage             | **1 story homes** 60% of the net pad area  
**Homes with 2 or more stories** 45% of the net pad area for all lots in a project, if the minimum lot area in the project is 5,000 square feet or greater.  
50% of the net pad area for all lots in a project, if the minimum lot area in the project is less than 5,000 square feet.  
Porches with no livable space above the porch, and porte-cocheres no more than 20 feet in width and 6 feet in depth are exempt from lot coverage requirements. |
| D.5     | Minimum Lot Width(1)             | **One-family dwellings on lots equal to or greater than 5,000 square feet** 50 feet (35 feet when a lot is located on a cul-de-sac, or the curved portion of a sharply curved street/drive-aisle)  
**One-family dwellings on lots less than 5,000 square feet** 40 feet (35 feet when a lot is located on a cul-de-sac, or the curved portion of a sharply curved street/drive-aisle)  
**Twin-homes** 35 feet |
| D.6     | Minimum Street/Drive-Aisle Frontage | Lots located on the curved portion of sharply curved streets/drive-aisles or cul-de-sacs: 25 feet.                                                                                                                     |
| D.7     | Minimum Setback from a Private or Public Street(2) | **Residential structure** 10 feet  
**Direct entry garage** 20 feet |
| D.8     | Minimum Setback from a Drive-Aisle(4) | **Residential structure** 5 feet, fully landscaped (walkways providing access to dwelling entryways may be located within required landscaped area)  
**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 0 feet (residential structure and garage) |
<table>
<thead>
<tr>
<th>REF. NO.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>D.9</td>
<td>Minimum Interior Side Yard Setback</td>
<td>Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.</td>
</tr>
<tr>
<td></td>
<td>Option 1</td>
<td>Residential structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential structure and garage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Garage</td>
</tr>
<tr>
<td></td>
<td>Option 2</td>
<td>Residential structure and garage</td>
</tr>
<tr>
<td>Twin-homes</td>
<td></td>
<td>Any living space above a garage shall observe the same interior side yard setback required for the residence.</td>
</tr>
<tr>
<td>D.10</td>
<td>Minimum Rear Yard Setback (where the rear property line does not front on a street or drive-aisle)</td>
<td>Residential structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Garage (located on the rear half of the lot)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any living space above a garage shall observe the same rear yard setback required for “residence,” above.</td>
</tr>
<tr>
<td>D.11</td>
<td>Maximum Building Height/Number of Stories</td>
<td>Same as required by the underlying zone, and not to exceed three stories⁵,⁸</td>
</tr>
<tr>
<td>D.12</td>
<td>Private Recreational Space</td>
<td>Minimum total area per unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum dimension of recreational space</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Required private recreational space shall be located at ground level and designed so as to be functional, usable, and easily accessible from the dwelling it is intended to serve, and shall not have a slope gradient greater than 5%.</td>
</tr>
</tbody>
</table>
### Development Standards for Condominium Projects

In addition to the general development standards found in Table C, condominium projects shall comply with the following development standards listed in Table E, Condominium Projects.

---

1. **Required private recreational space** shall not be located within front yard setback areas, and may not include any driveways, parking areas, storage areas, or walkways (except those walkways that are clearly integral to the design of the recreation area).

2. 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 specified in Section 21.45.090).

3. 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.
   - The patio cover/deck/balcony shall comply with all applicable standards, including the required setbacks specified in Section 21.45.090.

D.13 **Resident Parking**

- **2 spaces per unit, provided as either:**
  - A two-car garage (minimum 20 feet x 20 feet), or
  - 2 separate one-car garages (minimum 12 feet x 20 feet each)

D.14 **Garages for 3 or more cars-in-a-row**

- No more than 20% of the total project units may include garages with doors for 3 or more cars-in-a-row that directly face the street, including garages constructed as 3 one-car garages located adjacent to each other, or constructed as a two-car garage separated from a one-car garage with all garage doors directly parallel to the street.

- Garages that are recessed 20 feet or more back from the forward-most plane of the house shall not be subject to the 20% 3-car garage limitation stated above.

- Garages with doors for 3 or more cars in-a-row shall not be permitted on lots less than 5,000 square feet in area.

D.15 **Driveways**

- Driveways for side-loaded garages must be enhanced with decorative pavement to improve appearance.

---

Notes:

1. Lot width is measured 20' behind the front property line.
2. See Table C in Section 21.45.060 for required setbacks from an arterial street.
3. Building setbacks shall be measured from one of the following (whichever is closest to the building): a) property line; or b) the outside edge of the required street right-of-way width.
4. Building setbacks shall be measured from one of the following (whichever is closest to the building): a) property line; b) the outside edge of the required drive-aisle width; c) the back of sidewalk; or d) the nearest side of a parking bay located contiguous to a drive-aisle (excluding parking located in a driveway in front of a unit’s garage).
5. If a project is located within the Beach Area Overlay Zone, building height shall be subject to the requirements of Chapter 21.82 of this code.
6. The required resident parking within the R-W zone shall be 2 spaces/unit, 1 of which must be covered. Any uncovered required parking space in the R-W zone may be located within a required front yard setback and may be tandem.
7. Garage location standards do not apply to projects where all garages are alley loaded.
8. Protrusions above the height limit shall be allowed pursuant to Section 21.46.020 of this code. Such protrusions include protective barriers for balconies and roof decks.

(Ord. CS-026 § 1, 2009; Ord. NS-834 § II, 2007)
### Table E
Condominium Projects

<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.1</strong></td>
<td>Livable Neighborhood Policy</td>
<td>Must comply with city council Policy 66, Principles for the Development of Livable Neighborhoods.</td>
</tr>
<tr>
<td><strong>E.2</strong></td>
<td>Architectural Requirements</td>
<td>Must comply with city council Policy 44, Neighborhood Architectural Design Guidelines</td>
</tr>
<tr>
<td><strong>E.3</strong></td>
<td>Maximum Coverage</td>
<td>60% of total project net developable acreage.</td>
</tr>
<tr>
<td><strong>E.4</strong></td>
<td>Maximum Building Height</td>
<td>Projects within the RH general plan designation(1), (7)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40 feet, if roof pitch is 3:12 or greater</td>
</tr>
<tr>
<td></td>
<td></td>
<td>35 feet, if roof pitch is less than 3:12</td>
</tr>
<tr>
<td></td>
<td>Building height shall not exceed three stories</td>
<td></td>
</tr>
<tr>
<td><strong>E.5</strong></td>
<td>Minimum Building Setbacks</td>
<td>From a private or public street(2), (3)</td>
</tr>
<tr>
<td></td>
<td>Residential structure</td>
<td>10 feet</td>
</tr>
<tr>
<td></td>
<td>Direct entry garage</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>From a drive-aisle(4)</td>
<td>Residential structure (except as specified below)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 feet, fully landscaped (walkways providing access to dwelling entryways may be located within required landscaped area)</td>
</tr>
<tr>
<td></td>
<td>Residential structure directly above a garage</td>
<td>0 feet when projecting over the front of a garage</td>
</tr>
<tr>
<td></td>
<td>Garage</td>
<td>3 feet</td>
</tr>
<tr>
<td></td>
<td>Garages facing directly onto a drive-aisle shall be equipped with an automatic garage door opener.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Projects of 25 units or less within the RMH and RH general</td>
<td>0 feet (residential structure and garage)</td>
</tr>
<tr>
<td></td>
<td>Garages facing directly onto a drive-aisle shall</td>
<td></td>
</tr>
<tr>
<td>REF. NO.</td>
<td>SUBJECT</td>
<td>DEVELOPMENT STANDARD</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>E.6</td>
<td>Minimum Building Separation</td>
<td>10 feet</td>
</tr>
<tr>
<td>E.7</td>
<td>Resident Parking&lt;sup&gt;(6)&lt;/sup&gt;</td>
<td>All dwelling types</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If a project is located within the RH general plan designation, resident parking shall be provided as specified below, and may also be provided as follows:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 25% of the units in the project may include a tandem two-car garage (minimum 12 feet × 40 feet).</td>
</tr>
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<td></td>
<td></td>
<td>• Calculations for this provision resulting in a fractional unit may be rounded up to the next whole number.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>One-family and two-family dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 spaces per unit, provided as either:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a two-car garage (minimum 20 feet × 20 feet), or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 2 separate one-car garages (minimum 12 feet × 20 feet each)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• In the R-W Zone, the 2 required parking spaces may be provided as 1 covered space and 1 uncovered space&lt;sup&gt;(6)&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Multiple-family dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Studio and one-bedroom units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5 spaces per unit, 1 of which must be covered&lt;sup&gt;(6)&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Units with two or more bedrooms</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 spaces per unit, provided as either:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a one-car garage (12 feet × 20 feet) and 1 covered or uncovered space; or&lt;sup&gt;(5)&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a two-car garage (minimum 20 feet × 20 feet), or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 2 separate one-car garages (minimum 12 feet × 20 feet each)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 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&lt;sup&gt;(6)&lt;/sup&gt;</td>
</tr>
<tr>
<td>REF. NO.</td>
<td>SUBJECT</td>
<td>DEVELOPMENT STANDARD</td>
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</tr>
</tbody>
</table>
|          | Required parking may be provided within an enclosed parking garage with multiple, open parking spaces, subject to the following:  
• 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 | 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.  
May consist of more than one recreational space.  
May be provided at ground level and/or as a deck/balcony or roof deck. |
|         | One-family, two-family, and multiple-family dwellings | Projects not within the RMH or RH general plan designations  
Minimum total area per unit  
Projects within the RMH or RH general plan designations  
| 400 square feet  
200 square feet |
|         | One-family and two-family dwellings | Projects not within the RMH or RH general plan designations  
Minimum dimension  
Within the RMH or RH general plan designations  
| Not within the RMH or RH general plan designations  
15 feet  
10 feet |
|         | If provided at ground level | 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). |
<table>
<thead>
<tr>
<th>REF. NO.</th>
<th>SUBJECT</th>
<th>DEVELOPMENT STANDARD</th>
</tr>
</thead>
</table>
|         |         | 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 RH general plan designation may opt to provide an additional 75 square feet of community recreation space per unit (subject to the standards specified in Table C of this chapter), in lieu of providing the per unit private recreational space specified above. |

Notes:
(1) If a project is located within the Beach Area Overlay Zone, building height shall be subject to the requirements of Chapter 21.82 of this code.
(2) See Table C in Section 21.45.060 for required setbacks from an arterial street.
(3) Building setbacks shall be measured from the outside edge of the required street right-of-way width, whichever is closest to the building.
(4) Building setbacks shall be measured from one of the following (whichever is closest to the building): a) the outside edge of the required drive-aisle width; b) the back of sidewalk; or c) the nearest side of a parking bay located contiguous to a drive-aisle (excluding parking located in a driveway in front of a unit’s garage).
(5) Any uncovered required parking space in the R-W zone may be located within a required front yard setback and may be tandem.
(6) This standard does not apply to housing for senior citizens (see Chapter 21.84 of this code).
(7) Protrusions above the height limit shall be allowed pursuant to Section 21.46.020 of this code. Such protrusions include protective barriers for balconies and roof decks.

(Ord. CS-026 §§ 5—9, 2009; Ord. NS-834 § II, 2007)

21.45.090 Residential additions and accessory uses.
A. General.
1. Additions and accessory uses shall be subject to all applicable development standards of this chapter, unless otherwise specified in this section.
2. Additions to buildings that are legally nonconforming shall comply with the requirements of Chapter 21.48 of this code.
B. One-Family Dwellings and Twin-Homes on Small Lots.
1. Table F lists the provisions for residential additions and accessory uses to one-family dwellings and twin-homes on small lots.
2. The additions and accessory uses listed in Table F shall be subject to the approval/issuance of a building permit.
Table F
Residential Additions and Accessory Uses to One-Family Dwellings and Twin-Homes on Small Lots

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

Notes:
(1) Maximum building height is 1 story and 14 feet with a 3:12 roof pitch or 10 feet with less than a 3:12 roof pitch.
(2) Minimum 10-foot separation required between a habitable building and any other detached accessory building/structure.
(3) Must be architecturally compatible with the existing structure.
(4) Second dwelling units are subject to Section 21.10.030.

C. Condominium projects. Additions and accessory uses to condominium projects shall be subject to Section 21.45.100 (Amendments to permits). (Ord. CS-050 § IV, 2009; Ord. NS-834 § II, 2007)

21.45.100 Amendments to permits.
A. An approved planned development permit may be amended pursuant to the provisions of Section 21.54.125 of this title, except that project revisions specified in subsection B of this section shall not require an amendment.

B. Amendment Exceptions.

1. A project revision shall not be required to obtain an amendment to an existing planned development permit if all of the following findings are made:
   a. The proposed revision does not increase the density (i.e., the addition of units);
   b. The proposed revision does not decrease the density by more than ten percent and provided the density is not decreased below the minimum density of the underlying residential land use designation of the general plan;
   c. The proposed revision does not change the boundary of the subject property;
   d. The proposed revision does not involve the addition of a new land use not shown on the original permit (e.g., adding a commercial use to a residential project, replacing single-family units with attached residential units, vice versa for each example, etc.);
   e. The proposed revision does not rearrange the major land uses within the development (e.g., it does not exchange the locations of single-family units with attached units);
   f. The proposed revision does not create changes of greater than ten percent, provided that compliance will be maintained with the applicable development standards of this code as follows:
      i. Per individual lot or structure basis: Building floor area, coverage or height (except that height reductions of more than ten percent are permitted);
      ii. On an aggregate project basis: Parking, open space, recreation or landscaping areas;
The proposed revision is architecturally compatible with existing structures within the development. (Ord. CS-178 § LXXIX, 2012; Ord. CS-164 §§ 10, 11, 2011; Ord. NS-834 § II, 2007)

21.45.110 Conversion of existing buildings to planned developments.
A. Applicability. Any application for the conversion of existing buildings to a planned development (e.g., converting apartments to condominiums) shall be subject to all provisions of this chapter.
B. Building Plans and Gas/Electric Plan.
   1. An application for conversion of an existing structure to a planned development shall include building plans indicating how the building relates to present building and zoning regulations and where modifications will be required.
   2. Also, the application shall include a letter from San Diego Gas and Electric explaining that the plans to connect the gas and electric system to separate systems are acceptable.
C. Conversions within the Coastal Zone. The conversion of existing residential units within the Coastal Zone that are occupied by persons or families of low or moderate income shall be subject to the requirements of Section 65590 of the California Government Code.
D. Notice to Tenants and Findings.
   1. Each prospective and existing tenant of the proposed condominium project shall be given written notice of the proposed conversion in accordance with Sections 66452.8 and 66452.9 of the California Government Code (Subdivision Map Act); and
   2. In addition to all other required findings for a subdivision, the city council shall make all of the findings set forth in Section 66427.1 of the California Government Code (Subdivision Map Act). (Ord. NS-834 § II, 2007)

21.45.130 Proposed common ownership land or improvements.
A. Where a planned development contains any land or improvement proposed to be held in common ownership, the applicant shall submit a declaration of covenants, conditions and restrictions (CC&Rs) with the final map. Such declaration shall set forth provisions for maintenance of all common areas, payment of taxes and all other privileges and responsibilities of the common ownership.
B. The CC&Rs shall include provisions:
   1. For maintenance of all common areas, payment of taxes and all other privileges and responsibilities of the common ownership.
   2. Prohibiting the homeowners’ association from quitclaiming land in an association easement for ownership to private property owners thus allowing the homeowners to privatize a common area for their own use.
C. The CC&Rs shall be reviewed by and subject to approval of the city planner. (Ord. CS-164 § 10, 2011; Ord. NS-834 § II, 2007)

21.45.140 Maintenance.
All private streets, walkways, parking areas, landscaped areas, storage areas, screening sewers, drainage facilities, utilities, open space, recreation facilities and other improvements not dedicated to public use shall be maintained by the property owners. Provisions acceptable to the city planner shall be made for the preservation and maintenance of all such improvements prior to the issuance of building permits. (Ord. CS-164 § 10, 2011; Ord. NS-834 § II, 2007)

21.45.150 Failure to maintain.
A. Public Nuisance.
1. All commonly-owned lots, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair.

2. Any failure to so maintain is unlawful and a public nuisance if it endangers the health, safety and general welfare of the public and is a detriment to the surrounding community.

B. Removal of Public Nuisance.

1. In addition to any other remedy provided by law for the abatement, removal and enjoinment of such public nuisance, the community and economic development director or housing and neighborhood services director may, after giving notice, cause the necessary work of maintenance or repair to be done.

2. The costs thereof shall be assessed against the owner or owners of the project.

C. Notice of Maintenance Required.

1. The notice shall be in writing and mailed to:
   a. All persons whose names appear on the last equalized assessment roll as owners of real property within the project at the address shown on the assessment roll; and
   b. Any person known to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement.

2. At least one copy of such notice shall be posted in a conspicuous place on the premises.

3. The notice shall particularly specify:
   a. The work required to be done; and
   b. That the work must be commenced within thirty days after receipt of such notice, and diligently and without interruption prosecuted to completion; and
   c. If upon the expiration of the thirty-day period, the work is not commenced and being performed with diligence, the city shall cause such work to be done; in which case, the cost and expense of such work, including incidental expenses incurred by the city, will be assessed against the property or against each separate lot and become a lien upon such property.

D. Upon completion of such work, the community and economic development director or housing and neighborhood services director shall file a written report with the city council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which the cost is to be assessed.

1. Written notice shall be provided to all persons specified in subsection C.1 of this section of the hour and place that the city council will pass upon the written report and will hear any protests against the assessments shall be provided. Such notice shall also set forth the amount of the proposed assessment.
   a. Upon the date and hour set for the hearing, the city council shall hear and consider the report and any protests before proceeding to confirm, modify or reject the assessments.

E. A list of assessment as finally confirmed by the city council shall be sent to the city treasurer for collection.

1. If any assessment is not paid within ten days after its confirmation by the city council, the city clerk shall cause to be filed in the office of the county recorder a notice of lien, in a form approved by the city attorney.
   a. From and after the date of recordation of such notice of lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the maximum rate allowed by law until paid in full.
   b. The lien shall continue until the amount of the assessment and all interest thereon has been paid.
c. The lien shall have priority according to law. (Ord. CS-164 §§ 9, 14, 2011; Ord. NS-834 § II, 2007)

21.45.160 Model homes.
A. Except for model homes, building permits for construction within the proposed planned development shall not be issued until a final subdivision map has been recorded for the project.
B. A maximum of six model home units may be constructed prior to recordation of the final map, provided that adequate provision acceptable to the city planner and city attorney are made guaranteeing removal of such complex if the final map is not recorded. (Ord. CS-164 § 10, 2011; Ord. NS-834 § II, 2007;)

21.45.170 Restriction on reapplication for planned development permit.
The restrictions on the reapplication for a planned development permit are specified in Section 21.54.130 of this code. (Ord. NS-834 § II, 2007)
Chapter 21.46

YARDS

Sections:
- 21.46.010 Height of buildings on through lots.
- 21.46.020 Allowed protrusions above height limits.
- 21.46.030 Regulations.
- 21.46.040 Modification of side yard requirement on combined lots.
- 21.46.050 When more than one main building exists.
- 21.46.060 Formula for yard requirements.
- 21.46.070 Modification of required front yards.
- 21.46.080 Property abutting half-streets.
- 21.46.090 Measurement of front yards.
- 21.46.100 Vision clearance, corner and reversed corner lots.
- 21.46.110 Dwellings and apartments above stores.
- 21.46.120 Permitted intrusions into required yards.
- 21.46.130 Walls, fences or hedges.
- 21.46.140 Trees, shrubs and flowers.
- 21.46.150 Multiple or row dwellings fronting upon a side yard.
- 21.46.160 Multiple or row dwellings rearing upon a side yard.
- 21.46.170 One building on a lot or building site.
- 21.46.180 Through lots.
- 21.46.190 Lot area not to be reduced.
- 21.46.200 Greater lot area than prescribed.

21.46.010 Height of buildings on through lots.
On through lots one hundred fifty feet or less in depth, the height of a building on such lot may be measured from the sidewalk level of the street on which the building fronts. On through lots more than one hundred fifty feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty feet from that street. (Ord. 9060 § 1600)

21.46.020 Allowed protrusions above height limits.
Roof structures specifically for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, architectural features or towers, flagpoles, chimneys, smokestacks, wireless masts and similar structures may be erected above the height limits prescribed in this title but no roof structure or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space, or be taller than the minimum height requirement to accommodate or enclose the intended use.

However, the exception in this section does not apply if there is a specific provision elsewhere in this title for the protrusions under consideration. (Ord. NS-675 § 41, 2003; Ord. NS-240 § 9, 1993; Ord. NS-204 § 12, 1992; Ord. 9060 § 1601)

21.46.030 Regulations.
Except as provided in this chapter, every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building site whereon a building is to be erected. (Ord. 9060 § 1602)
21.46.040  Modification of side yard requirement on combined lots.
When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building site and the yard spaces as required by this ordinance shall then not apply to such common boundary line. (Ord. 9060 § 1603)

21.46.050  When more than one main building exists.
Where two or more buildings are, by definition of this title, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line. (Ord. 9060 § 1604)

21.46.060  Formula for yard requirements.
The city planner may adopt a formula or establish standard practices by which to determine appropriate and practical yards in all residential zones where geometric shape and dimensions and topography are such as to make the literal application of required yards impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act. (Ord. CS-178 § LXXXII, 2012; Ord. 9060 § 1605)

21.46.070  Modification of required front yards.
The depth of required front yards may be modified on unimproved lots intervening between lots having nonconforming front yards or between a lot having a nonconforming front yard and a vacant corner lot. A nonconforming front yard shall be deemed to be an area between the front lot line and the closest part of the main building, and which is greater or less in depth than that defined in this title as constituting a required front yard.

(1) The depth of a nonconforming front yard and the rear line thereof shall be deemed to be coincident with that portion of the main building lying closest to the front property line; provided, that the degree of nonconformity to be credited in adjoining front yards in either direction from the rear line of the required front yard shall in no instance exceed sixty percent of the required front yard depth;

(2) The rear line representing the depth of a modified front yard on any lot as defined in subsection (1) of this section shall be established in the following manner:
(A) A point shall be established on each improved lot having a nonconforming or conforming front yard between which are located lots needing adjustment, and such point shall be located at the intersection of the rear line of such front yard with a line that constitutes the depth of the lot,
(B) A straight line shall be drawn from such point across any intervening unimproved lot or lots, to a point similarly established on the next lot in either direction on which a main building exists which establishes a conforming or nonconforming front yard,
(C) The depth of the modified front yard on any lot traversed by the straight line defined in subsection (B) above shall be established by the point where said straight line intersects the line constituting the depth of each such intervening lot. (Ord. 9060 § 1606)

21.46.080  Property abutting half-streets.
A building or structure shall not be erected or maintained on a lot which abuts a highway having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the highway were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this ordinance, if any. This section applies to all zones and whether or not yards are required.

This section does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than forty feet. (Ord. 9060 § 1607)
21.46.090  Measurement of front yards.
Front yard requirements shall be measured from the front property line or the indicated edge of a street for which a precise plan exists. (Ord. 9060 § 1608)

21.46.100  Vision clearance, corner and reversed corner lots.
All corner lots and reversed corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen feet in length, measured from the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points which are distant fifteen feet from the intersection of the front and side lot lines, and within the area comprising the triangle no tree, fence, shrub or other physical obstruction higher than forty-two inches above the established grade shall be permitted. (Ord. 9060 § 1609)

21.46.110  Dwellings and apartments above stores.
Front and side yard requirements shall not be applicable to dwellings and apartments erected above stores. (Ord. 9060 § 1610)

21.46.120  Permitted intrusions into required yards.
The following intrusions may project into any required yards, but in no case shall such intrusions extend more than two feet into such required yards:
(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
(2) Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part;
(3) Stairways, balconies and fire escapes;
(4) Uncovered porches and platforms which do not extend above the floor level of the first floor; provided, that they may extend six feet into the front yard;
(5) Planting boxes or masonry planters not exceeding forty-two inches in height;
(6) Guard railings for safety protection around ramps. (Ord. CS-178 § LXXXIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9675 § 1, 1983; Ord. 9060 § 1611)

21.46.130  Walls, fences or hedges.
In any “R” zone, no fence, wall or hedge over forty-two inches in height shall be permitted in any required front yard setback. In the required side yard or street side of either a corner lot or reversed corner lot, a six-foot high fence may be permitted when approved by the city planner when the safety and welfare of the general public are not imposed upon. The issuing of a permit upon the approval of the city planner shall be subject to special conditions which may vary due to the topography, building placement and vehicular or pedestrian traffic. On an interior lot, a wall or fence not more than six feet in height may be located anywhere to the rear of the required front yard. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XCI, 2010; Ord. NS-675 § 42, 2003; Ord. 1256 § 14, 1982; Ord. 9291 § 1, 1972; Ord. 9180 § 1; Ord. 9060 § 1612)

21.46.140  Trees, shrubs and flowers.
Shrubs, flowers, plants and hedges not more than forty-two inches in height, and trees shall be permitted in any required yard, except as provided in Section 21.46.100. (Ord. 9060 § 1613)

21.46.150  Multiple or row dwellings fronting upon a side yard.
The minimum width of the side yard upon which dwellings front shall be not less than ten feet. (Ord. 9060 § 1614)
21.46.160  Multiple or row dwellings rearing upon a side yard.
Where two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, and such dwellings have openings onto such side yards used as secondary means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one foot for each dwelling unit having such an entrance or exit opening into or served by such yard, provided such increase need not exceed five feet. (Ord. 9060 § 1615)

21.46.170  One building on a lot or building site.
Any building which is the only building on a lot or building site is a main building unless authorized by variance. (Ord. 9060 § 1616)

21.46.180  Through lots.
Through lots one hundred eighty feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the controls applying to the street upon which such one-half faces. If each resulting one-half be below the minimum lot area as determined by this ordinance, then no division may be made and only one single-family dwelling may be erected upon such lot. If the whole of any through lot is improved as one building site, the main building shall conform to the zone classification of the frontage occupied by such main building, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street. (Ord. 9060 § 1617)

21.46.190  Lot area not to be reduced.
No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations established by this title. (Ord. 9060 § 1618)

21.46.200  Greater lot area than prescribed.
Greater lot areas than those prescribed in the various zones may be required when such greater areas established by the adoption of a precise plan in the manner prescribed by law, designating the location and size of such greater required areas. (Ord. 9060 § 1619)
Chapter 21.47

NONRESIDENTIAL PLANNED DEVELOPMENTS

Sections:
21.47.010 Intent and purpose.
21.47.020 Nonresidential planned development permit.
21.47.030 Permitted uses.
21.47.040 Application and fee.
21.47.050 Notices and hearings.
21.47.060 Decision-making authority.
21.47.070 Findings of fact.
21.47.073 Announcement of decision and findings of fact.
21.47.075 Effective date and appeals.
21.47.080 Development standards.
21.47.090 Conversion of existing buildings to nonresidential planned developments.
21.47.100 Expiration, extensions, and amendments.
21.47.140 Final map.
21.47.150 Certification of occupancy.
21.47.160 Maintenance.

21.47.010 Intent and purpose.
The intent and purpose of the nonresidential planned development regulations are to:

1. Ensure that nonresidential projects develop in accordance with the general plan and all applicable specific and master plans;
2. Provide for nonresidential projects which are compatible with surrounding developments;
3. Provide a method to approve separate ownership of units within multiple-unit buildings or upon a parcel of land containing more than one unit;
4. Provide for a method to approve separate ownership of planned unit development lots defined herein;
5. Provide for conversion of existing developments to condominiums provided such conversion meets the intent of this chapter and comply with the requirements of the underlying zone. (Ord. 9685 § 1, 1983)

21.47.020 Nonresidential planned development permit.
The city council, planning commission or city planner, as provided in this chapter, may approve a permit for a nonresidential planned development in any industrial, commercial or office zone, or combination of zones subject to the requirements thereof except as they may be modified in accord with this chapter.

The application for a nonresidential planned development shall state whether the applicant intends to develop the project as a planned unit development, condominium project or stock cooperative project. For purposes of this chapter, a planned unit development is defined by Section 11003 of the Business and Professions Code of the state and a condominium project is defined by Section 4100 of the California Civil Code. (Ord. CS-242 § 2, 2014; Ord. CS-178 § LXXXV, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 § XCIII, 2010; Ord. NS-675 § 76, 2003; Ord. 9685 § 1, 1983)

21.47.030 Permitted uses.
Any principal use, accessory use, transitional use or conditional use permitted in the underlying zone is permitted in a nonresidential planned development. (Ord. 9685 § 1, 1983)
21.47.040 Application and fee.
A. An application for a nonresidential planned development permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   1. Be made in writing on a form provided by the city planner;
   2. State fully the circumstances and conditions relied upon as grounds for the application;
   3. State whether the applicant intends to develop the project as a planned unit development, condominium project or stock cooperative project;
   4. Be accompanied by adequate plans, a legal description of the property involved and all other materials as specified by the city planner;
   5. Be accompanied by a tentative map or tentative parcel map, as applicable, in accordance with Title 20 of this code;
   6. If the applicant contemplates the construction of a nonresidential planned development in phases, the application shall so state and shall include a proposed phasing schedule;
   7. If the applicant proposes to convert existing buildings to a nonresidential planned development, the plans shall reflect the existing buildings and show all proposed changes and additions.
B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council. (Ord. CS-178 § LXXXVI, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9685 § 1, 1983)

21.47.050 Notices and hearings.
A. Notice of an application for a nonresidential planned development permit for less than five units or lots shall be given pursuant to the provisions of Section 21.54.060.B and 21.54.061.
B. Notice of an application for a nonresidential planned development permit for five or more units or lots shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § LXXXVI, 2012; Ord. NS-675 § 76, 2003; Ord. 9685 § 1, 1983)

21.47.060 Decision-making authority.
A. Applications for nonresidential planned development permits shall be acted upon in accordance with the following:
   1. Nonresidential Planned Development Permit for Less Than Five Units or Lots.
      a. An application for a nonresidential planned development permit for less than five units or lots may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
      b. The city planner may approve or conditionally approve the nonresidential planned development permit if all of the findings of fact in Section 21.47.070 of this chapter are found to exist.
   2. Nonresidential Planned Development Permit for Five or More Units or Lots.
      a. An application for a nonresidential planned development permit for five or more units or lots may be approved, conditionally approved or denied by the planning commission based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
      b. The planning commission shall hear the matter, and may approve or conditionally approve the nonresidential planned development permit if all of the findings of fact in Section
21.47.070 Findings of fact.
A. The decision-making authority shall approve or conditionally approve a nonresidential planned development permit only if it finds that all of the following facts exist:
   1. The granting of this permit will not adversely affect and will be consistent with the code, the general plan, applicable specific plans, master plans, and all adopted plans of the city and other governmental agencies;
   2. The proposed use at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community;
   3. Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
   4. The proposed nonresidential planned development meets all of the minimum development standards of the underlying zone, except for lot area;
   5. In granting a nonresidential planned development permit, the decision-making authority may modify the plan or impose such conditions as it deems necessary to protect the public health, safety and general welfare. (Ord. CS-178 § LXXXVI, 2012; Ord. 9685 § 1, 1983)

21.47.073 Announcement of decision and findings of fact.
When a decision on a nonresidential planned development permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § LXXXVIII, 2012; Ord. NS-675 § 43, 2003; Ord. NS-506 § 4, 1999; Ord. NS-352 § 3, 1996; Ord. NS-176 §§ 6, 18, 1991; Ord. 9685 § 1, 1983)

21.47.075 Effective date and appeals.
A. Decisions made by the city planner pursuant to this chapter shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title.
B. Decisions made by the planning commission pursuant to this chapter shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title. (Ord. CS-178 § LXXXVIII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 § 44, 2003)

21.47.080 Development standards.
All nonresidential planned developments shall comply with all requirements and development standards of the underlying zone and all requirements of Title 20 (Subdivision Ordinance), with the following exception: nonresidential planned unit developments as defined herein may create lots that do not meet the requirements of Title 20 of the underlying zone. There are no size nor configuration standards for such lots beyond those imposed as a part of the permit, but they shall be reasonable as to intended use and relation to the project and the surrounding area and shall meet the intent and purpose of this chapter as stated herein. (Ord. 9685 § 1, 1983)

21.47.090 Conversion of existing buildings to nonresidential planned developments.
(a) Conversion of existing buildings to a nonresidential planned development which is a condominium, planned unit development or stock cooperative shall be processed in the same manner and meet all the standards prescribed in this chapter for a nonresidential planned development. In addition, the structure to be converted must meet present city building regulations.
(b) An application for conversion of an existing structure to a nonresidential planned development shall include building plans indicating how the building relates to present building and zoning regulations and where modifications will be required. Also, the application shall include a letter from San Diego Gas and Electric explaining that the plans to connect the gas and electric system to separate systems is acceptable. (Ord. 9685 § 1, 1983)

21.47.100  Expiration, extensions, and amendments.
A. The expiration period for an approved nonresidential planned development permit shall be as specified in Section 21.58.030 of this title.
B. The expiration period for an approved nonresidential planned development permit may be extended pursuant to the provisions of Section 21.58.040 of this title.
C. An approved nonresidential planned development permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § LXXXIX, 2012; Ord. 9685 § 1, 1983)

21.47.140 Final map.
Building permits for construction within the proposed nonresidential planned development shall not be issued until a final subdivision map has been recorded for the project. A final map which deviates from the conditions imposed by the permit shall not be approved. (Ord. 9685 § 1, 1983)

21.47.150 Certification of occupancy.
A certification of occupancy shall not be issued for any structure in a nonresidential planned development until all improvements required by the permit have been completed to the satisfaction of the city engineer, city planner and the community and economic development director. (Ord. CS-164 §§ 10, 14, 2011; Ord. NS-675 §§ 76, 79, 2003; Ord. 9685 § 1, 1983)

21.47.160 Maintenance.
All private streets, walkways, parking areas, landscaped areas, storage areas, screening, sewers, drainage facilities, utilities, open space, recreation facilities and other improvements not dedicated to public use shall be maintained by the property owners. Provisions acceptable to the city shall be made for the preservation and maintenance of all such improvements prior to the issuance of building permits. (Ord. 9685 § 1, 1983)
Chapter 21.48

NONCONFORMING LOTS, STRUCTURES AND USES

Sections:
21.48.010 Purpose and intent.
21.48.020 Applicability.
21.48.030 General provisions.
21.48.040 Nonconforming lots.
21.48.050 Nonconforming residential structures and uses.
21.48.060 Nonconforming nonresidential structures.
21.48.070 Nonconforming nonresidential uses.
21.48.080 Nonconforming construction permit.
21.48.090 Abatement of nonconforming structures and uses.

21.48.010 Purpose and intent.
A. The purpose and intent of this chapter is to:
   1. Allow for the development of nonconforming lots that were legally created.
   2. Establish procedures for the abatement of structures and uses that do not comply with all of the requirements and development standards of this title and which may be adverse to the orderly development of the city and to the public health, safety, or welfare of persons or property.
   3. Permit the continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the requirements and development standards of this title, in a manner that is not adverse to the public health, safety or welfare of persons or property.
   4. Permit the repair, alteration, expansion or replacement of nonconforming structures subject to the requirements of this chapter.
   5. Permit the expansion or replacement of nonconforming uses subject to the requirements of this chapter. (Ord. CS-050 § VI, 2009)

21.48.020 Applicability.
A. The provisions of this chapter apply to:
   1. Legally created lots which do not conform to the current requirements and development standards of the zone in which they are located.
   2. Legally constructed structures and site development features (except for nonconforming signs which are addressed in Section 21.41.130) which do not comply with the current requirements and development standards of the zone in which they are located.
   3. Legally established uses which do not conform to the current permitted use regulations of the zone in which they are located. (Ord. CS-050 § VI, 2009)

21.48.030 General provisions.
A. It shall be the responsibility of the owner of a nonconforming lot, structure or use to prove to the city planner that such lot, structure or use was lawfully established, existed on the date of adoption or amendment of this chapter, and has existed continuously as defined herein.
B. Nothing in this chapter shall be deemed to prevent the rehabilitation, repair, alteration, strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official. Repairs and alterations may be made to restore a structure to the same condition that existed prior to damage or deterioration, pro-
vided that such repairs or structural alterations conform to the provisions of this chapter. (Ord. CS-050 § VI, 2009)

21.48.040 Nonconforming lots.
A nonconforming lot may be developed, provided that the development is consistent with the general plan and complies with all of the requirements and development standards of the zone, master plan, or specific plan in which it is located. (Ord. CS-050 § VI, 2009)

21.48.050 Nonconforming residential structures and uses.
A. Specific Provisions.
1. A nonconforming residential structure and/or nonconforming residential use may be continued and the structure and/or use repaired, altered, expanded or replaced in accordance with the provisions of this chapter provided that the repair, alteration, expansion or replacement does not:
   a. Result in an additional structural nonconformity; and
   b. Increase the degree of the existing nonconformity of all or part of such structure or use (i.e. the addition of a new dwelling unit to an existing over density residential use except as otherwise allowed by the General Plan); and
   c. Reduce the number and size of any required existing parking spaces.
2. Any expansion of floor area or the addition of a new dwelling unit that results in an increase in parking demand, pursuant to Chapter 21.44, shall provide additional parking to satisfy the increase in parking demand, in compliance with the parking requirements of Chapter 21.44.
3. An existing single family residence which does not meet the required parking standard (i.e. a two-car garage) may expand floor area if a minimum of two off-street parking spaces are provided on-site in a location consistent with Section 21.44.060(4).
B. Repair or Alteration. A nonconforming residential structure and/or a structure which is occupied by a nonconforming residential use may be repaired or altered, provided that the repair or alteration complies with all current fire protection and building codes and regulations contained in Titles 17 and 18.
C. Expansion.
1. A nonconforming residential structure and/or a nonconforming residential use may be expanded, so as to occupy a greater area of land or more floor area subject to issuance of all required discretionary and building permits and provided that an application for a nonconforming construction permit is submitted and the city planner approves the findings of fact pursuant to Section 21.48.080.D.
2. Where a single-family residential structure is nonconforming only by reason of substandard yards, the provisions of this chapter requiring a nonconforming construction permit for an expansion shall not apply provided that:
   a. The area of expansion is not more than forty percent of the existing floor space prior to the enlargement or a maximum of six hundred forty square feet, whichever is less; and
   b. The area of expansion, when combined with prior expansions of the nonconforming structure, does not exceed forty percent of the floor space that existed prior to any expansions or six hundred forty square feet, whichever is less; and
   c. The area of expansion shall comply with all current development standards including, but not limited to, setbacks, lot coverage and height limitations; and
   d. Expansions that exceed the limits of this exception shall require a nonconforming construction permit.
D. Replacement in the Event of a Disaster. A nonconforming residential structure and/or nonconforming residential use that is destroyed by fire, explosion, or other casualty or natural disaster, may be replaced subject to issuance of all required discretionary and building permits and provided that an application for a nonconforming construction permit is submitted within two years of the date of the disaster and the city planner approves the findings of fact pursuant to Section 21.48.080.D. The city planner may grant an extension to the above two-year application submittal limit upon demonstration of good cause by the applicant.

E. Voluntary Demolition and Subsequent Replacement. A nonconforming residential structure and/or nonconforming residential use that is proposed to be voluntarily demolished may be replaced subject to issuance of all required discretionary and building permits and provided that an application for a nonconforming construction permit is submitted and the city planner approves the findings of fact pursuant to Section 21.48.080.D prior to the date of the demolition. (Ord. CS-178 §§ XC—XCV, 2012; Ord. CS-050 § VI, 2009)
21.48.080  Nonconforming construction permit.
A. Application and Fees.

1. An application for a nonconforming construction permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   a. Be made in writing on a form provided by the city planner;
   b. State fully the circumstances and conditions relied upon as grounds for the application; and
c. Be accompanied by adequate plans, a legal description of the property involved and all other materials as specified by the city planner.

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

B. Notices and Hearings. Notice of an application for a nonconforming construction permit shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.

C. Decision-Making Authority.

1. An application for a nonconforming construction permit may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.

2. The city planner may approve or conditionally approve the nonconforming construction permit if all of the findings of fact in Section 21.48.080.D of this title are found to exist.

D. Findings of Fact.

1. A nonconforming construction permit shall be granted only if the following facts are found to exist in regard thereto:

   a. The expansion/replacement of the structure and/or use would not result in an adverse impact to the health, safety and welfare of surrounding uses, persons or property.

   b. The area of expansion shall comply with all current requirements and development standards of the zone in which it is located, except as provided in Section 21.48.050(A)(3) of this chapter.

   c. The expansion/replacement structure shall comply with all current fire protection and building codes and regulations contained in Titles 17 and 18.

   d. The expansion/replacement would result in a structure that would be considered an improvement to, or complementary to and/or consistent with the character of the neighborhood in which it is located.

E. Announcement of Decision and Findings of Fact. When a decision on a nonconforming construction permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title.

F. Effective Date and Appeals. The city planner’s decision on nonconforming construction permits shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title.

G. Expiration, Extensions and Amendments.

1. Expiration of Permit if Not Exercised. The expiration period for an approved nonconforming construction permit shall be as specified in Section 21.58.030 of this title.

2. Extension of Permit if Not Exercised. The expiration period for an approved nonconforming construction permit may be extended pursuant to Section 21.58.040 of this title.

3. Amendment. An approved nonconforming construction permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-212 § 1, 2013; Ord. CS-178 § XCVI, 2012; Ord. CS-164 §§ 10, 14, 2011; Ord. CS-050 § VI, 2009)

21.48.090 Abatement of nonconforming structures and uses.

A. If a nonconforming use and/or structure is determined by the city planner to be adverse to the orderly development of the city and/or to the public health, safety, or welfare of persons or property, the city planner shall schedule a public hearing before the planning commission to establish the conditions of abatement and the abatement period. The abatement period shall start from the date of the applicable resolution and shall be:
1. For All Residential Uses. Not less than one or more than five years.
2. For All Nonresidential Uses. Not less than one or more than ten years.
3. For All Nonconforming Structures. Not less than three years or more than twenty-five years.
4. Nothing in these provisions shall preclude abatement of a nuisance pursuant to Section 6.16.150 of the Carlsbad Municipal Code.

B. Notices and Hearings. Notice of said public hearing shall be given as required by Section 21.54.060.A and 21.54.061 of this title.

C. Public Hearing Evidence.
   1. The planning commission shall consider at the public hearing, all pertinent data to enable it to arrive at an equitable abatement period which will protect the public health, safety or welfare of persons or property, yet will allow the owner of record, or lessee if applicable, sufficient time to amortize their investment.
   2. The owner or lessee shall be allowed to present any evidence related to the case.
   3. When setting the abatement period, the planning commission shall take into consideration the type of construction, age, condition, and extent of nonconformity of the structure or use in question; any structural alterations or expansions; and/or the installation of major equipment designed into the structure prior to the date of nonconformity.

D. Hearing Decision. After the close of the public hearing, the planning commission shall determine and establish by resolution the abatement period, and shall set forth in said resolution all findings and facts upon which the date of such abatement period is based.

E. Notice of Decision to Owner. The secretary of the planning commission shall formally notify the owner of the property of the action of the planning commission by mailing a copy of the resolution, via certified return receipt mail, within ten days following the date of its adoption by the planning commission.

F. Effective Date and Appeals. The above action of the planning commission shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title.

G. Recordation. The secretary of the planning commission shall transmit a final signed copy of the resolution of the planning commission or city council, whichever is final, to the County Recorder of San Diego for recordation. (Ord. CS-178 § XCVI, 2012; Ord. CS-050 § VI, 2009)
Chapter 21.49

PLANNING MORATORIUM

Sections:
- 21.49.010 Purpose and intent.
- 21.49.020 Planning moratorium.
- 21.49.025 Exception for Encina sewer service territory.
- 21.49.030 Sewer allocation system.

21.49.010 Purpose and intent.

(a) Based on a series of reports, the city council has found that the city has reached its sewage treatment capacity rights in the Encina water pollution control facility. In view of the fact that sewer service was in most cases unavailable to serve potential building in the city, the city council added Chapter 18.05 to the municipal code to impose a moratorium on the issuance of building permits subject to certain exceptions.

(b) The public facilities element of the Carlsbad general plan provides that developments may not be approved unless the city council can find that all the necessary public services, including sewer service, will be available when needed. Due to the lack of sewage capacity, it is impossible in most cases for the city council in considering a development to make the necessary findings in order to support an approval. In order to implement the general plan provision, and in view of the fact that sewer service in most cases is unavailable, the city council has determined that it is necessary to impose a moratorium on the processing of developmental approvals.

(c) It is also the purpose and intent of this chapter to provide for the eventuality that additional amounts of sewage treatment capacity will become available and to provide authority for the adoption, by the city council, by resolution, of a system for allocating that capacity among competing demands. Such an allocation would authorize an applicant to process a development in accordance with the usual city procedures. (Ord. 9518 § 1, 1979)

21.49.020 Planning moratorium.

Notwithstanding any provisions of the Carlsbad Municipal Code to the contrary, application, processing or approval of any entitlement for development pursuant to Title 20 or Title 21 of the Carlsbad Municipal Code is prohibited except as follows:

(1) Applications for approvals located within that portion of the city within the service territory of the San Marcos or Leucadia County water districts may be accepted and processed provided the applicant submits in conjunction with his or her application a letter from such district indicating that the sewer services are available in connection with the development. The application may be approved if the appropriate decision-making body finds that sewer service remains available and will continue to remain available concurrent with need in connection with the development. Such applications may also be accepted and processed provided the applicant submits a letter from such district indicating that sewer service will be available to serve the development, and provided further, that the city council finds that it is reasonable to expect that sewer service will be available to serve the development concurrent with need.

The approval for any project processed pursuant hereto shall be subject to a condition that final maps may not be approved nor building permits issued until the city council finds that sewer capacity is in fact available and valid sewer connection permits have been issued.

(2) Applications for conditional use permits, variances, reversions to acreage, certificates of compliance and adjustment plots may be accepted, processed and approved if the city manager determines that
the approval of such item will not require any new sewer connection permit. The city manager’s determination may be appealed to the city council, whose decision shall be final.

(3) Any necessary applications for projects undertaken by the city may be accepted, processed and approved.

(4) Any application for which the Carlsbad Municipal Code provides an alternative method of sewer disposal for the project site may be accepted, processed and approved.

(5) The city council may grant exceptions for projects of other governmental agencies if the city council in its sole discretion determines that the project is necessary and in the public interest.

(6) Applications for tentative subdivision map extensions may be accepted, processed and approved subject to the imposition of certain conditions, to insure that the tentative map cannot be finalized without the finding by the city council that adequate sewer service is available.

(7) The city council may grant exceptions for projects of certain privately owned community facilities, such as churches, schools and hospitals, if the city council in its sole discretion determines that such project is necessary and in the public interest.

(8) Applications for revision of an approved tentative subdivision map may be accepted and processed; provided the city manager determines that no additional sewer capacity will be required. Such revisions may be approved if the city council finds that no additional sewer capacity will be required, no additional lots or dwelling units are proposed, the subdivision boundaries are retained, and it is consistent with zoning and applicable general and specific plans.

(9) Applications for projects located within the service territory of the city to be served by a satellite sewage treatment facility may be accepted, processed and approved. The approval of any project processed pursuant hereto shall be subject to a condition that final maps or other similar approvals may not be given until the city council finds that sewer capacity is in fact available. Building permits shall not issue until a valid sewer connection permit has been issued which may be subject to such system for the allocation of capacity in the satellite plant or such other source of sewerage treatment capacity as the city council may adopt.

(10) Applications for revisions to approved master plans in the planned community zone may be accepted and processed.

(11) Applications for general plan amendments may be accepted, processed and approved.

(12) Applications for annexations may be accepted, processed and approved, provided the city manager finds that such annexation is necessary to accommodate a revision to an approved master plan or specific plan. (Ord. 9600 § 1, 1981; Ord. 9577 § 1, 1981; Ord. 9552 § 1, 1980; Ord. 9542 § 1, 1979; Ord. 9539 §§ 1, 2, 1979; Ord. 9518 § 1, 1979)

21.49.025 Exception for Encina sewer service territory.
The provisions of Section 21.49.020 shall not apply to land within the Encina sewer service territory or the Palomar Airport Drainage Basin, all as shown on the map entitled sewer service areas on file with the city clerk and incorporated by reference herein. This section shall be effective when the city council determines that the capacity from the rerating of the Encina plant is available. (Ord. 9600 § 2, 1981; Ord. 9556 § 1, 1980)

21.49.030 Sewer allocation system.
In the event the city council determines that additional amounts of sewage treatment capacity are available, but which are not of sufficient quantity to justify lifting the planning moratorium imposed by this chapter, it shall have authority to adopt by resolution a system for allocating all or any part of that capacity. If an applicant receives an allocation pursuant to any such system, it shall constitute an exemption from the provisions of this chapter, and the applicant shall be permitted to apply for and process his or her project; provided that it is done in accordance with the procedures of the allocation system. (Ord. 9518 § 1, 1979)
Chapter 21.50

VARIANCES*

Sections:

21.50.010 Intent and purpose.
21.50.020 Application and fee.
21.50.030 Notices and hearings.
21.50.040 Decision-making authority.
21.50.050 Findings of fact.
21.50.060 Announcement of decision and findings of fact.
21.50.070 Effective date and appeals.
21.50.080 Expiration, extensions and amendments.


21.50.010 Intent and purpose.
A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this title result through the strict and literal interpretation and enforcement of the provisions hereof, a minor variance or variance from the provisions of this title may be approved or conditionally approved, so that the spirit of this title shall be observed, public safety and welfare secured and substantial justice done.
B. The purpose of any minor variance or variance shall be to prevent discrimination, and no variance shall be approved or conditionally approved which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone. (Ord. CS-178 § XCVII, 2012)

21.50.020 Application and fee.
A. An application for a minor variance or variance may be made by the record owner or owners of the property affected or the authorized agent of the owner or owners. The application shall:
   1. Be made in writing on a form provided by the city planner;
   2. State fully the circumstances and conditions relied upon as grounds for the application; and
   3. Be accompanied by adequate plans, which allow for detailed review pursuant to this chapter and demonstrate compliance with the requirements of this chapter, a legal description of the property involved and all other materials as specified by the city planner.
B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council. (Ord. CS-178 § XCVII, 2012)

21.50.030 Notices and hearings.
A. Notice of an application for a minor variance shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.
B. Notice of an application for a variance shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § XCVII, 2012)

21.50.040 Decision-making authority.
A. Minor Variances.
   1. The city planner may approve, conditionally approve or deny a minor variance for the following:
a. Modifications of distance or area regulations, provided such modification does not exceed seventy-five percent of required front, side or rear yards nor exceed ten percent of maximum lot coverage regulations;
   i. Unenclosed balconies, patios and decks which extend above the existing ground level may be allowed to project to the property lines of side or rear yards immediately adjacent to permanent open space areas.

b. Modifications of the minimum lot width regulations, provided such modification does not result in a lot width less than fifty feet;

c. Walls or fences to exceed heights permitted by the zoning regulations;

d. Modifications to the sign area regulations, provided such modification does not exceed ten percent of the maximum allowed sign area;

e. Modifications to the sign height regulations provided such modification does not exceed ten percent of the maximum allowed sign height.

2. The city planner’s decision shall be based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.

3. The city planner may approve or conditionally approve a minor variance if all the findings of fact in Section 21.50.050 of this title are found to exist.

B. Variances.

1. The planning commission may approve, conditionally approve or deny a variance that is not subject to subsection A of this section.

2. The planning commission’s decision shall be based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.

3. The planning commission shall hear the matter and may approve or conditionally approve the variance if all the findings of fact in Section 21.50.050 of this title are found to exist. (Ord. CS-178 § XCVII, 2012)

21.50.050 Findings of fact.

A. No minor variance or variance shall be approved or conditionally approved unless the decision-making authority finds:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

2. That the minor variance or variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located and is subject to any conditions necessary to assure compliance with this finding;

3. That the minor variance or variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the subject property;

4. That the minor variance or variance is consistent with the general purpose and intent of the general plan, this title and any applicable specific or master plans;

5. In addition, in the coastal zone, that the minor variance or variance is consistent with the general purpose and intent of the certified local coastal program and does not reduce or in any manner adversely affect the requirements for protection of coastal resources. (Ord. CS-178 § XCVII, 2012)
21.50.060 Announcement of decision and findings of fact. 
When a decision on a minor variance or variance is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § XCVII, 2012)

21.50.070 Effective date and appeals. 
A. Decisions on minor variances shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title. 
B. Decisions on variances shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title. (Ord. CS-178 § XCVII, 2012)

21.50.080 Expiration, extensions and amendments. 
A. The expiration period for minor variances and variances shall be as specified in Section 21.58.030 of this title. 
B. The expiration period for an approved minor variance or variance may be extended pursuant to Section 21.58.040 of this title. 
C. An approved minor variance or variance may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § XCVII, 2012)
Chapter 21.52

AMENDMENTS*

Sections:
21.52.010 Purpose.
21.52.020 Amendment initiation.
21.52.030 Application and fees.
21.52.040 Notices and hearings.
21.52.050 Decision-making authority.
21.52.060 Announcement of decision and findings of fact.
21.52.070 Effective date.


21.52.010 Purpose.
A. The purpose of this chapter is to establish the process and requirements to amend this title, the general plan, and the local coastal program, including amendments to the boundaries of land use designations and zones.
B. The process and requirements established by this chapter regarding amendments to the local coastal program are intended to be consistent with and shall not supersede the requirements of the California Coastal Act. (Ord. CS-178 § XCIX, 2012)

21.52.020 Amendment initiation.
A. Amendments to this title, the general plan, or local coastal program may be initiated by:
   1. The verified application of one or more owners of property or building proposed to be changed or reclassified;
   2. Resolution of intention of the city council;
   3. Resolution of intention of the planning commission;
   4. The city planner. (Ord. CS-178 § XCIX, 2012)

21.52.030 Application and fees.
A. An application to amend this title, the general plan, or local coastal program shall:
   1. Be made in writing on a form provided by the city planner;
   2. State fully the circumstances and conditions relied upon as grounds for the application; and
   3. Be accompanied by all other materials as specified by the city planner.
B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council.
C. If the application is applicable to a specific parcel(s) of land, the application shall be made by the owner of the property affected or the owner’s authorized agent. This paragraph shall not apply to an amendment initiated by the city. In addition to the provisions of subsection A of this section, such applications shall also include:
   1. Adequate plans and a legal description of the property involved. (Ord. CS-178 § XCIX, 2012)

21.52.040 Notices and hearings.
Notice of an application to amend this title, the general plan, or the local coastal program shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § XCIX, 2012)
21.52.050 Decision-making authority.
A. The city council may approve or deny amendments to this title, the general plan, or local coastal program.
   1. Before the city council decision, the planning commission shall hear and consider the application and shall prepare a recommendation for the city council that includes the reasons for the recommendation and the relationship of the proposed amendment to applicable provisions of this title, the general plan and local coastal program, and any applicable master or specific plan.
   2. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may approve, conditionally approve, or deny amendments to this title, the general plan or local coastal program.
   3. The city council may make substantial modifications to the planning commission’s recommendation on a proposed amendment to this title, the general plan, or local coastal program, including modifications not previously considered by the planning commission. The city council, in its discretion, may refer said modifications back to the planning commission for recommendation.
B. Amendments to the local coastal program are also subject to approval by the California Coastal Commission. (Ord. CS-178 § XCIX, 2012)

21.52.060 Announcement of decision and findings of fact.
When a decision is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § XCIX, 2012)

21.52.070 Effective date.
A. A decision of the city council to amend the general plan or this title is final, conclusive and shall be effective thirty days after the city council’s adoption of the resolution (for amendments to the general plan) or ordinance (for amendments to this title).
B. Within the coastal zone, the city council’s approval of an amendment to the local coastal program shall not become effective until the amendment is approved by the California Coastal Commission, pursuant to Section 30514 of the Public Resources Code. (Ord. CS-178 § XCIX, 2012)
Chapter 21.53

USES GENERALLY

Sections:
21.53.010 All zones subject to this chapter.
21.53.015 Voter authorization required for airport expansion.
21.53.020 Limitation of land use—Sewer availability.
21.53.030 Limitation on issuance of building permit.
21.53.040 Clarification of ambiguity.
21.53.050 Use control in reclassified precise plan.
21.53.060 Indicated potential classifications.
21.53.070 Translating potential classifications to permissible use.
21.53.080 Public utilities.
21.53.084 Keeping of dogs, cats and household pets.
21.53.085 Wild animals.
21.53.090 Temporary real estate office.
21.53.110 Temporary construction buildings.
21.53.120 Affordable housing multi-family residential projects—Site development plan required.
21.53.130 Satellite television antenna—Purpose.
21.53.150 Satellite television antenna—Waiver or modification of standards.
21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.
21.53.240 Nonresidential development restrictions on open space and environmentally sensitive lands.
21.53.250 On-shore oil and gas facilities.

21.53.010 All zones subject to this chapter.
The foregoing regulations pertaining to the several zones shall be subject to the general provisions, conditions and exceptions contained in this chapter. (Ord. 9804 § 5, 1986; Ord. 9060 § 1500)

21.53.015 Voter authorization required for airport expansion.
(a) The city council shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the city voting at an election for such purposes.

(b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters and it shall not be repealed or amended except by a vote of the people. (Ord. 9804 § 5, 1986; Ord. 9558 § 1, 1980)

21.53.020 Limitation of land use—Sewer availability.
Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the same zone in which such building or land is located. Any rights heretofore granted for such development by Title 21 are qualified and made subject to Chapter 18.05 of this code. Notwithstanding the zoning which applies to any property within the city, that property may not be developed unless it is determined that a sewer is available to serve such development and the city council approves issuance of permits therefor pursuant to a sewer allocation.
21.53.030 Limitation on issuance of building permit.
No building permit shall be issued for any building or structure to be erected on a lot having less than twenty feet frontage on a dedicated public street or a public dedicated easement accepted by the city or on a lot situated at the terminus of a street that should be extended. Where the panhandle or flag-shaped portion of a lot is adjacent to the same portion of another such lot, the required minimum frontage on such street or easement shall be fifteen feet provided a joint easement ensuring common access to both such portions is agreed upon by the owners of such lots and recorded. The city council based on a report from the city engineer may grant an exception to the limitations of this section for lots situated at the terminus of a street that should be extended. (Ord. 9804 § 5, 1986; Ord. 9467 § 4, 1976; Ord. 9073 § 2; Ord. 9060 § 1501(1))

21.53.040 Clarification of ambiguity.
If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth in this title and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the city planner to make an interpretation and thereafter such interpretation shall govern. (Ord. CS-178 § C, 2012; Ord. 9804 § 5, 1986; Ord. 9060 § 1502)

21.53.050 Use control in reclassified precise plan.
In order to assure that the purpose and provisions of a formally adopted precise plan of record shall be conformed to, the land reclassified within any precise plan shall be limited exclusively to such uses as are permitted in the zone to which it is classified. Uses shown on such precise plan, including automobile parking, shall confor to such precise plan, even though such use, or uses, are not otherwise specifically classified by this title as permissible in any given zone. (Ord. 9804 § 5, 1986; Ord. 9060 § 1503)

21.53.060 Indicated potential classifications.
All potential zoning as presently delineated on the zoning map is removed. (Ord. 9804 § 5, 1986; Ord. 9114 § 1; Ord. 9110 § 1; Ord. 9060 § 1504)

21.53.070 Translating potential classifications to permissible use.
Types of land use indicated by circumscribed symbols within areas identified on the zoning map by a dashed line may be activated and made permissible uses by the adoption of a precise plan of design for the area. Such precise plan shall be adopted as a part of the proceedings for the reclassification of property to the indicated potential zone as provided in Chapter 21.52 and the map adopted thereby shall constitute an amendment to the zoning map. This precise plan shall by map, diagram or test, or all of them, indicate boundaries, design, arrangement and dimensions of any streets, alleys, parking areas, building sites and similar features pertinent to precise zoning. The comprehensive provisions of such precise plan shall take precedence over the individual provisions of this title covering subjects such as parking, yards, etc. (Ord. 9804 § 5, 1986; Ord. 9060 § 1505)

21.53.080 Public utilities.
The provisions of this title shall not be construed to limit or interfere with the installation, maintenance and operation of mutual water companies or public utility pipe lines and electric or telephone transmission lines, or railroads, when located in accordance with the applicable rules and regulations of the public utilities commission of the State of California within rights-of-way, easements, franchises or ownerships of such public utilities. (Ord. 9804 § 5, 1986; Ord. 9060 § 1506)
21.53.084 Keeping of dogs, cats and household pets.
Ordinary household pets, including but not limited to dogs and cats, may be kept in any zone. Not more than three adult dogs or cats in any combination are permitted for each dwelling unit, together with offspring under four months of age. Such keeping shall conform to the requirements of Chapters 7.04 and 7.08. (Ord. 9804 § 5, 1986; Ord. 9502 § 9, 1978)

21.53.085 Wild animals.
In zones where the keeping of wild animals is permitted, a wild animal may be kept, provided a wild animal permit has been issued for it by the state and provided the keeping of such wild animal does not constitute the establishment or maintenance of a private zoo, as defined in Section 21.04.400 of this title. Private zoos may be established or maintained only as permitted by the underlying zone. (Ord. CS-178 § CI, 2012; Ord. 5072 § 3, 1986; Ord. 9804 § 5, 1986; Ord. 9501 § 3, 1978)

21.53.090 Temporary real estate office.
In any newly created subdivision, the subdivider or assignee may operate a temporary real estate office for the purpose of selling lots in the subdivision only. Such use shall cease no later than the date of the close of escrow of the final home in the subdivision. (Ord. CS-178 § CI, 2012; Ord. 9804 § 5, 1986; Ord. 9186 § 1; Ord. 9060 § 1507)

21.53.110 Temporary construction buildings.
Temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project and shall be abated within sixty days after completion, or sixty days after cessation of work. (Ord. 9804 § 5, 1986; Ord. 9060 § 1509)

21.53.120 Affordable housing multi-family residential projects—Site development plan required.
A. Site Development Plan Requirement.
   1. Notwithstanding anything to the contrary in this code, no building permit or other entitlement shall be issued for any multi-family residential development having more than four dwelling units or an affordable housing project of any size unless a site development plan has been approved for the project. The site development plan shall be processed pursuant to the provisions of Chapter 21.06 of this title.
   2. A site development plan for a multi-family residential project (not affordable) shall not be required for any project processed pursuant to the provisions of Chapter 21.45 of this title.

B. Development Standards.
   1. The development (both for multi-family residential and affordable housing) shall be subject to the development standards of the zone in which the development is located and/or any applicable specific or master plan except for affordable housing projects as expressly modified by the site development plan. The site development plan for affordable housing projects may allow less restrictive development standards than specified in the underlying zone or elsewhere provided that the project is in conformity with the general plan and adopted policies and goals of the city, it would have no detrimental effect on public health, safety and welfare, and, in the coastal zone, any project processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density. In addition, the decision-making authority in approving a site development plan may impose special conditions or requirements which are more restrictive than the development standards in the underlying zone or elsewhere that include provisions for, but are not limited to, the following:
      a. Density of use;
b. Compatibility with surrounding properties and land uses;
c. Parking standards;
d. Setbacks, yards, active and passive open space required as part of the entitlement process, and on-site recreational facilities;
e. Height and bulk of buildings;
f. Fences and walls;
g. Signs;
h. Additional landscaping;
i. Grading, slopes and drainage;
j. Time period within which the project or any phases of the project shall be completed;
k. Points of ingress and egress;
l. Such other conditions as deemed necessary to ensure conformity with the general plan and other adopted policies, goals or objectives of the city.

C. In addition the decision-making authority may require that the developer provide public improvements either on or off the subject site as are needed to serve the proposed development or to mitigate public facilities needs or impacts created by the project. (Ord. CS-178 § CII, 2012; Ord. NS-753 § 2, 2005; Ord. NS-402 § 7, 1997; Ord. NS-207 § 6, 1992; Ord. 9826 § 1, 1987; Ord. 9804 § 5, 1986; Ord. 9767 § 1, 1985)

21.53.130 Satellite television antenna—Purpose.
The purpose and intent of Sections 21.53.130 through 21.53.150 promulgating satellite television antenna regulations are to set forth clearly defined health, safety or aesthetic objectives of the city which do not operate to impose unreasonable limitations on, or prevent, reception of satellite-delivered signals by antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment, while recognizing that the following standards are necessary and important in preserving the health, safety or aesthetic qualities of the community and various zones in which satellite television antennas are to be located. The further intent and purpose of Sections 21.53.130 through 21.53.150 is to promote the orderly and aesthetically pleasing installation and use of satellite television antennas in all zones while prohibiting to the maximum extent possible unsightly antennas not screened from public view or located in areas where they present the least intrusive appearance to the neighborhood, community and the public. (Ord. NS-100 § 2, 1990)

(a) Satellite television antennae, as defined in Section 21.04.302, are permitted in all zones subject to the provisions of this section and the provisions of the underlying zone. Satellite television antennae less than thirty inches in diameter are permitted in any zone and are not subject to the requirements of this section, provided that such antennae are attached to a permitted main or accessory structure on the lot.

(b) Any satellite antenna erected without an approved satellite antenna permit shall be charged an investigation fee, in addition to the permit fee, which shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this chapter. The payment of such investigation fee shall not exempt the property owner or applicant from compliance with all other provisions of this chapter nor from any penalty prescribed by this code.

(c) “Antenna Height” Defined. The height of the antenna or dish shall be measured vertically from the highest point of the structure when positioned for operation to the bottom of the base at either roof or ground level whichever is applicable.
(d) Residential Zone Restrictions. Satellite television antennae shall be considered as accessory to the main structure and shall be permitted in all residential zones subject to the following limitations.

1. The antenna shall be ground-mounted.
2. The antenna shall be located within the rear or side yard only; on corner lots the antenna shall not be located on the street side yard.
3. The antenna shall not exceed fifteen feet in height.
4. The antenna shall not be permitted on properties which have been designated as historic sites.
5. The antenna shall be screened from adjacent properties and public view by a wall, fence, hedge or appropriate plant or landscape material between the antenna and the property line so that no more than twenty-five percent of the antenna extends above the top of the screening material. The proposed antenna screening shall be subject to the review and approval of the city planner.
6. The antenna shall be located at least four feet from any property line.
7. No more than one satellite television antenna shall be permitted per lot.
8. The antenna shall not exceed ten feet in diameter.

(e) Commercial and Industrial Zone Restrictions. Satellite television antennae shall be considered as accessory to the main structure and shall be permitted in all commercial and industrial zones subject to the following limitations:

1. Ground-mounted antenna.
   A. Ground-mounted antenna shall be located in the rear fifty percent of the lot.
   B. The antenna shall not exceed twenty feet in height.
   C. The antenna shall not be used as a sign or contain any advertising copy.
   D. The antenna shall be screened from adjacent properties and public view by a wall, fence, hedge or other appropriate plant or landscape material between the antenna and the property line so that no more than twenty-five percent of the antenna extends above the top of the screening material.
   E. The antenna shall not be located in any required parking area.
2. Roof-mounted antenna may be permitted subject to the following limitations.
   A. Roof-mounted antenna shall not exceed fifteen feet in height; provided, however, that in no event shall the antenna extend more than five feet above the permitted height of building upon which it is located.
   B. Roof-mounted antennae shall be screened by recessing the antenna into the roof line or by constructing a screen out of similarly textured roofing or exterior wall material as the structure upon which it is located so that the antenna is not visible at ground level.
3. No more than one satellite television antenna shall be permitted per lot; provided, however, that additional antennae may be permitted by the city planner if there is more than one use on a lot which cannot feasibly be served by a single antenna.
   A. In the PM, CM and M zones, more than one satellite antenna per use may be permitted with a minor conditional use permit. Installation of said antennae shall comply with subsections (e)(1) and (2) listed above.
4. The provisions of this subsection shall apply to hotels and motels located in residential zones.
5. The provisions of this subsection shall not apply to satellite television antenna used by and located upon the property of a commercial cable television operator franchised by the city.

(f) Exception—Planned Unit Developments and Condominiums. Provisions of this section shall apply to residential planned developments, planned unit developments or condominiums; provided, however, that roof-mounted antennae may be allowed as part of the planned development permit for the project.
(g) Agricultural Zone Restrictions. Satellite television antennae shall be considered as accessory to the main structure or use on the property and shall be permitted subject to the following limitations:

1. The antenna shall be ground-mounted.
2. The antenna shall be located at least four feet from any property line.
3. The antenna shall not exceed twenty feet in height.
4. The antenna shall be screened from public view by a wall, fence, hedge, or other appropriate plant or landscape material between the antenna and the property line so that no more than twenty-five percent of the antenna is visible above the screening material.

(h) Public Utility Zone Restrictions. Satellite television antennae shall be considered a permitted accessory use in the public utility zones.

(i) Nonconforming Antennae. Any satellite television antenna erected prior to the effective date of the ordinance codified in this chapter shall be brought into compliance with the provisions of this section no later than one year after the effective date of that ordinance.

(j) Whenever a discretionary permit is required for construction of a project, the satellite antenna permit may be consolidated with the discretionary permit.

(k) Redevelopment Zone. A redevelopment permit issued pursuant to Chapter 21.35 shall be required for any satellite television antenna located in the village redevelopment zone. In addition to complying with the provisions of this section all satellite television antennae in the village redevelopment zone shall conform to the provisions of the village design manual.

(l) Nothing in this section shall be construed to eliminate or change the requirement for a conditional use permit for radio or television transmitters. (Ord. CS-224 § XXXIX, 2013; Ord. CS-164 § 10, 2011; Ord. NS-100 §§ 3—6, 1990; Ord. NS-19 § 2, 1988; Ord. 9804 § 5, 1986; Ord. 9785 § 24, 1986)

21.53.150 Satellite television antenna—Waiver or modification of standards.
If, after application of the standards set forth in Section 21.53.140, a satellite antenna cannot be physically located on the applicant’s property or would result in the imposition of unreasonable costs considering the purchase and installation of the equipment, then the city planner shall waive or modify the standard(s), but only to the extent necessary to allow the installation of one satellite television antenna to be located on the applicant’s property in such a place and manner as to present the least impact on aesthetics from the neighboring properties, neighborhood and public taking into account all the remaining health, safety or aesthetic regulations set forth in that section. (Ord. CS-164 § 10, 2011; Ord. CS-102 § CII, 2010; Ord. NS-100 § 7, 1990)

21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.
(a) For the purposes of Titles 20 and 21 of this code, residential density shall be determined based on the number of dwelling units per developable acre of property.

(b) The following lands are considered to be undevelopable and shall be excluded from density calculation:

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

(c) No residential development shall occur on any property listed in subsection (b). Subject to the provisions of Chapters 21.33 and 21.110, the city council may permit limited development of such property if, when considering the property as a whole, the prohibition against development would constitute an unconstitutional deprivation of property. The planning commission or city council, whichever is the final decision-making body for a residential development may permit accessory facilities, including, but not limited to, recreational facilities, view areas, and vehicular parking areas, to be located in floodplains (subject to Chapter 21.110) and on land subject to major power transmission easements.

(d) No more than fifty percent of the portion of a site containing twenty-five to forty percent slopes may be utilized for calculating allowable residential density. Residential development on slopes with an inclination of twenty-five to forty percent, inclusive, shall be designed to minimize the amount of grading necessary to accommodate the project. For projects within the coastal zone, the grading provisions of the Carlsbad local coastal program and Chapters 21.38 and 21.203 of the municipal code shall apply.

(e) The potential unit yield for a property, based on the minimum, growth management control point (GMCP), Regional Housing Needs Assessment (RHNA) base, or maximum density of the applicable general plan land use designation, shall be subject to the following:

(1) Equation used to determine unit yield: developable lot area (in acres) × density = unit yield.
   (A) “Density” used in this calculation is the minimum, GMCP, RHNA base, or maximum density of the applicable general plan land use designation;
   (B) The resulting unit yield shall be subject to Table A, below.

(2) For purposes of this section:
   (A) “Rounded-up” means rounding the fractional unit yield up to the next whole unit; and
   (B) “Rounded-down” means rounding the fractional unit yield down to the previous whole unit, but not less than one unit.

(3) The information contained in Table A, below, shall not preclude the city from approving residential densities above the GMCP, RHNA base, or maximum density of the applicable land use designation, subject to adopted city policies and regulations.

<table>
<thead>
<tr>
<th>Density Used for Calculation</th>
<th>Unit Yield Includes a</th>
<th>Provisions for Unit Yield Rounding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>fractional unit of 0.5 or greater</td>
<td>SHALL be rounded-up.</td>
</tr>
<tr>
<td></td>
<td>fractional unit below 0.5</td>
<td>MAY be rounded-down.</td>
</tr>
<tr>
<td>GMCP</td>
<td>fractional unit of 0.5 or greater</td>
<td>MAY be rounded-up.</td>
</tr>
<tr>
<td></td>
<td>fractional unit below 0.5</td>
<td>SHALL be rounded-down.</td>
</tr>
<tr>
<td>RHNA Base</td>
<td>fractional unit of 0.5 or greater</td>
<td>SHALL be rounded-up.</td>
</tr>
<tr>
<td></td>
<td>fractional unit below 0.5</td>
<td>SHALL be rounded-down.</td>
</tr>
<tr>
<td>Maximum</td>
<td>fractional unit</td>
<td>SHALL be rounded-down.</td>
</tr>
</tbody>
</table>

Notes:
1) Unless the project density is allowed below the minimum of the density range, pursuant to the General Plan.
2) Unit yields rounded-down pursuant to this provision that result in a density below either the minimum density or the RHNA Base density of the applicable land use designation shall be considered consistent with the General Plan. See footnote 4 for the limitations on applying the RHNA Base density.
3) Subject to a fractional and/or whole unit allocation from the “excess dwelling unit bank” and provided the maximum density of the applicable land use designation is not exceeded.

4) The RHNA Base section in Table A does not apply to RH General Plan land use designations in the Beach Area Overlay Zone. In the Beach Area Overlay Zone, the minimum and GMCP densities shall apply.

(Ord. CS-178 § CIII, 2012; Ord. CS-171 § 1, 2012; Ord. NS-753 §§ 3, 4, 2005; Ord. NS-524 § 6, 2000; Ord. NS-446 § 2, 1998; Ord. 9795 § 1, 1986)

21.53.240 Nonresidential development restrictions on open space and environmentally sensitive lands.
Nonresidential development shall be designed to avoid development on lands identified in Section 21.53.230. (Ord. 9795 § 2, 1986)

21.53.250 On-shore oil and gas facilities.
In all zones except C-M, M and P-M on-shore oil and gas facilities including, but not limited to, processing plants, refineries, storage facilities, transfer stations, pipelines, warehouses, offices, tanker terminals, helicopter pads and the like are prohibited. (Ord. NS-87 § 2, 1989)
Chapter 21.54

PROCEDURES, HEARINGS, NOTICES AND FEES

Sections:
21.54.010 Review and approval/denial of applications.
21.54.040 Decision-making authority for multiple development permits.
21.54.050 Setting of hearing.
21.54.060 Notices of applications and hearings.
21.54.061 Content of notice.
21.54.063 Failure to receive notice.
21.54.064 Applicant’s responsibilities.
21.54.080 Investigations.
21.54.090 Rule establishment for conduct of hearings.
21.54.100 Hearing continuance without public notice.
21.54.110 Permanent files shall include summary of testimony.
21.54.120 Announcement of decision and findings of fact.
21.54.125 Amendments to development permits.
21.54.130 Restriction on reapplication after denial.
21.54.140 Effective date of order—Appeal of city planner or housing and neighborhood services director decisions.
21.54.150 Effective date of order—Appeal of planning commission decisions.

21.54.010 Review and approval/denial of applications.
A. Permit Streamlining Act Compliance. The city shall comply with the requirements of the California Permit Streamlining Act (Title 7, Division 1, Chapter 4.5 of the California Government Code).

B. Application Form.
1. The city planner shall prescribe the form of applications for the development permits or approvals and applications for changes in zone or general plan boundaries or classifications.
2. The city planner may prepare and provide application forms and shall prescribe the type of information to be provided with the application by the applicant.
3. No application shall be accepted unless it is in the proper form and contains all required information.

C. Signatures on Applications.
1. All applications shall include the signatures of the owner(s) of the property affected or the authorized agent of the owner.
2. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission and the city council.

D. Applications as Part of Permanent Record. Applications filed pursuant to this title shall be numbered consecutively in the order of their filing, and shall become a part of the city’s permanent official records, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates and affidavits of posting, mailing or publications pertaining thereto.

E. Filing Fees. A fee in an amount established by city council resolution shall be paid at the time of filing an application for a development permit for approval, or application for a change in zone or general plan boundaries or classifications. No application shall be accepted or deemed accepted until the appropriate fee or fees have been paid.
F. Application Completeness.

1. In accordance with Title 7, Division 1, Chapter 4.5, Article 3 of the California Government Code, applications shall be reviewed for completeness as follows:

2. The city planner shall consult with appropriate departments concerning the application and shall, within thirty days after the application has been filed with the city, determine in writing whether the application is complete and shall transmit the determination to the applicant.

3. If the application is determined to be incomplete:
   a. The written determination shall specify those parts of the application which are incomplete and shall indicate the manner in which the application can be made complete, including a list and description of the specific information needed to complete the application.
   b. The applicant shall have six months from the date the application was initially filed to either resubmit the application or submit the information specified in the determination. Failure of the applicant to resubmit the application or to submit the materials in response to the determination within the six months shall be deemed to constitute withdrawal of the application. If an application is withdrawn or deemed withdrawn a new application must be submitted.

4. Within thirty days of any resubmittal of an application or submittal of materials in response to a written determination of incompleteness, the city planner shall determine in writing whether the application, together with the subsequently submitted materials, constitute a complete application and shall immediately transmit the determination to the applicant.

5. If an application, together with the submitted materials, is determined by the city planner to be incomplete, the applicant may appeal the decision in writing to the planning commission pursuant to Section 21.54.140. The applicant may also appeal the decision of the planning commission to the city council pursuant to Section 21.54.150.
   a. The city shall make a final written determination on the appeal not later than sixty calendar days after the receipt of the applicant's written appeal of the city planner's decision.

6. Failure by the city to meet the time limits specified in this section shall cause the application to be deemed complete.

7. Nothing in this section precludes an applicant and the city from mutually agreeing to an extension of any time limit provided in this section.

G. Time Limits for Approval or Denial of Development Permits. The city shall approve or disapprove a development permit application within the time limits specified in Title 7, Division 1, Chapter 4.5, Article 5 of the California Government Code, unless an extension of time is mutually agreed to by the applicant and city pursuant to Government Code Section 65957.

H. Permit Streamlining Act not Applicable to Legislative Actions. The time limits specified in subsections F and G of this section do not apply to legislative actions and likewise do not apply to development permit applications that include legislative changes in applicable general plans, zoning ordinances or other controlling land use legislation. (Ord. CS-178 § CV, 2012; Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 56—58, 76, 2003; Ord. 9760 § 15, 1985; Ord. 9060 § 2000)

21.54.040 Decision-making authority for multiple development permits.

A. For purposes of this section, "development permit" means any permit, entitlement or approval required pursuant to Title 20 or 21 of this code, or pursuant to any applicable master, specific, or redevelopment plan.

B. For purposes of this section, "city planner" shall be interchangeable with "city engineer" and "housing and neighborhood services director," and "city council" shall be interchangeable with "housing and redevelopment commission."
When multiple development permits are processed concurrently for a proposed project, the decision-making authority for all such development permits shall be as follows:

1. The city planner shall have the authority to approve, conditionally approve or deny, on all concurrently processed development permits, provided that such permits do not include a development permit that requires a decision from the planning commission or city council.

2. The planning commission shall have the authority to approve, conditionally approve or deny, on all concurrently processed development permits that:
   a. Include a development permit that has been appealed to the planning commission in accordance with Section 21.54.140; or
   b. Include a development permit that requires a decision from the planning commission; and
   c. Does not include a development permit that requires a decision from the city council.

3. The city council shall have the authority to make a decision on all concurrently processed development permits that:
   a. Include a development permit that has been appealed to the city council in accordance with Section 21.54.150 of this title; or
   b. Include a development permit that requires a decision from the city council.

D. Except for appeals, the city council shall first receive a recommendation from the planning commission prior to making a decision on all concurrently processed development permits. (Ord. CS-178 § CV, 2012; Ord. 9760 § 16, 1985; Ord. 9568 § 5, 1980; Ord. 9220 § 1, 1968; Ord. 9060 § 2003)
iii. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected by the project;

iv. All owners of real property as shown on the latest equalized assessment roll within six hundred feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, records of the county assessor or tax collector that contain more recent information than the assessment roll may be used. If the number of owners to whom notice would be mailed or delivered pursuant to this subparagraph is greater than one thousand, in lieu of mailed or delivered notice, notice may be given by placing a display advertisement of at least one-eighth page in at least two newspapers of general circulation within the city.

v. All occupants within one hundred feet of the subject property and the area office of the California Coastal Commission (applicable to coastal development permits only).

vi. Any person who has filed a written request for notice with the city clerk. The city clerk shall charge a fee established by city council resolution which is reasonably related to the costs of providing this service. Each request shall be annually renewed.

b. Published or Posted Notice. Unless newspaper advertisement is provided pursuant to Section 21.54.060.A.iv, the public hearing notice shall either be:

i. Published pursuant to California Government Code Section 6061 in at least one newspaper of general circulation within the city at least ten calendar days prior to the hearing; or

ii. Posted at least ten calendar days prior to the hearing in at least three public places in the city, including one public place in the area directly affected by the proceeding.

2. When a provision of this code requires notice of a public hearing to be given pursuant to this subsection, notice shall be published pursuant to California Government Code Section 6061 in at least one newspaper of general circulation within the city at least ten calendar days prior to the hearing.

B. Noticing of Administrative Permits.

1. When a provision of this code requires notice of an application pursuant to this subsection, at least ten calendar days prior to a decision on the application, written notice shall be given as follows:

a. Notice by Mail. Mailed or delivered to:

i. The owner of the subject real property or the owner’s duly authorized agent;

ii. The project applicant and/or the applicant’s representative;

iii. All owners of real property as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the administrative permit; or all owners within one hundred feet for minor coastal development permits only. In lieu of utilizing the assessment roll, records of the county assessor or tax collector that contain more recent information than the assessment roll may be used. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than one thousand, in lieu of mailed or delivered notice, notice may be given by placing a display advertisement of at least one-eighth page in at least two newspapers of general circulation within the city.

iv. All occupants within one hundred feet of the subject property, and to the area office of the California Coastal Commission. This requirement applies to minor coastal development permits only.
v. Any person who has filed a written request for notice with the city clerk. The city clerk shall charge a fee established by city council resolution which is reasonably related to the costs of providing this service. Each request shall be annually renewed.

2. Once notice has been given in accordance with Section 21.54.060.B.1, any person may file written comments or a written request to be heard within ten calendar days of the date of the notice. If a written request to be heard is filed, the city planner shall:
   a. Schedule an administrative hearing; and
   b. Provide written notice at least five calendar days prior to the date of the administrative hearing to the owner of the subject real property or the owner’s duly authorized agent, the project applicant and/or applicant’s representative, and any person who filed written comments or a written request to be heard.

3. The noticing requirements specified in Section 21.54.060.A shall apply if an administrative permit is processed concurrently with a permit, entitlement, or action that requires a public hearing. (Ord. CS-178 § CV, 2012; Ord. NS-365 § 13, 1996; Ord. NS-44 § 1, 1988; Ord. 9758 § 15, 1985; Ord. 9536 § 1, 1979; Ord. 9428 § 1, 1975; Ord. 9060 § 2005)

21.54.061 Content of notice.

A. The notice given pursuant to Section 21.54.060 shall include the date, time and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or diagram, of the location of the real property if any, that is the subject of the hearing.

B. However, within the coastal zone such notice shall contain the following additional information:
   1. A statement that the development is within the coastal zone;
   2. The date of filing of the application and the name of the applicant;
   3. The number assigned to the application;
   4. A brief description of the general procedure of local government concerning the conduct of hearing and local actions;
   5. The system for local and coastal commission appeals, including any local fees required, expressly stating whether the matter is appealable to the coastal commission.

C. Notice given pursuant to Section 21.54.060.B shall include a statement that an administrative hearing shall be held upon written request. (Ord. CS-178 § CV, 2012; Ord. NS-365 § 14, 1996; Ord. 9758 § 16, 1985)

21.54.063 Failure to receive notice.
The failure of any person or entity to receive notice given pursuant to this chapter shall not constitute grounds for any court to invalidate the action for which the notice is given. If a decision-making body receives substantial evidence that notice has not been given as required by this chapter, then the decision-making body may continue the matter for hearing after proper notice has been given. (Ord. 9758 § 18, 1985)

21.54.064 Applicant’s responsibilities.
The applicant for any action requiring a notice of public hearing or notice of administrative permit pursuant to the provisions of Section 21.54.060 of this title shall provide the city with public notification materials (i.e. radius map, mailing list and labels as specified by the city planner) and notice mailing fee equal to the current postage rate to cover the cost of mailing the notice. (Ord. CS-178 § CVII, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 § CIII, 2010; Ord. 9758 § 19, 1985)
21.54.080 Investigations.
The planning commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon an application set for hearing that will assure action on each case consistent with the purpose of this title, previous amendments or variances. (Ord. 9060 § 2007)

21.54.090 Rule establishment for conduct of hearings.
The planning commission may establish rules governing the conduct of public hearings conducted by it. (Ord. 9060 § 2008)

21.54.100 Hearing continuance without public notice.
If, for any reason, testimony on any case set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued, and no further notice is required. However, if a decision on a matter set for public hearing is continued by the decision-making body to a time which is not announced at the hearing to be continued to a time certain, the city shall provide notice of the further hearings or action on the proposed development in the same manner and within the same time limits as established in Sections 21.54.060 and 21.54.061. (Ord. NS-675 § 59, 2003; Ord. NS-365 § 15, 1996; Ord. 9060 § 2009)

21.54.110 Permanent files shall include summary of testimony.
A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this ordinance, and the names of persons testifying shall be recorded and made a part of the permanent files of the case. (Ord. 9060 § 2010)

21.54.120 Announcement of decision and findings of fact.
A. When a decision is made pursuant to this title an announcement of the decision and findings of fact shall be provided when:
   1. Pursuant to Section 21.54.060 of this chapter, a public notice was provided for the associated application; or
   2. Notice of such decision is required to be provided pursuant to this section.
B. The decision-making body shall announce its decision in writing as follows:
   1. The city planner shall announce his/her decision and findings by letter.
   2. The planning commission shall announce its decision and findings by formal resolution.
   3. The city council shall announce its decision and findings (if applicable) by formal resolution or ordinance.
C. The announcement of decision and findings shall include:
   1. A statement that the permit is approved, conditionally approved, or denied;
   2. The facts and reasons which, in the opinion of the decision-making body, make the approval or denial of the permit necessary to carry out the provisions and general purpose of this title;
   3. Such conditions and limitations that the decision-making body may impose in the approval of the permit.
D. The announcement of decision and findings shall be mailed to:
   1. The owner of the subject real property or the owner’s duly authorized agent, the project applicant and/or the applicant’s representative at the address or addresses shown on the application filed with the planning division;
   2. Any person who has filed a written request for a notice of decision;
3. Any person who filed a written request for an administrative hearing or to be heard at an administrative hearing. (Ord. CS-178 § CVIII, 2012; Ord. NS-365 § 16, 1996; Ord. NS-44 § 2, 1988; Ord. 9379 § 2, 1974)

21.54.125 Amendments to development permits.
A. For purposes of this section, “development permit” means any permit, entitlement or approval required pursuant to Title 21 of this code, or pursuant to any applicable master, specific, or redevelopment plan.
B. Any approved development permit may be amended by following the same procedure required for the approval of said development permit (except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment), and upon payment of the application fee contained in the most recent fee schedule adopted by the city council.
C. If an approved development permit was issued pursuant to the provisions of Section 21.54.042 of this title, any amendment to said permit shall be acted on by the decision-making authority that approved the original permit, except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment.
D. In granting an amendment, the decision-making authority may impose new conditions and may revise existing conditions. (Ord. CS-178 § CIX, 2012)

21.54.130 Restriction on reapplication after denial.
No application for a zone change, general plan amendment, planned development, variance, conditional use permit, site development plan, specific plan, master plan or other permit, or any amendment to a previously issued permit or plan shall be accepted if a substantially similar application has been finally denied within one year prior to the application date. The city planner shall determine if the subsequent application is substantially similar to the previously denied application. The effective date of the city planner's decision and method for appeal of such decision shall be governed by Section 21.54.140 of this code. (Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 60, 76, 2003; Ord. 9744 § 1, 1984)

21.54.140 Effective date of order—Appeal of city planner or housing and neighborhood services director decisions.
A. This section shall apply to those decisions or determinations of the city planner or housing and neighborhood services director made pursuant to this title or city planner determinations pursuant to Title 19 or Title 20. Accordingly, in this section, “housing and neighborhood services director” shall be interchangeable with “city planner”; “housing and neighborhood services department” shall be interchangeable with “planning division”; and “community development commission” shall be interchangeable with “city council.”
B. Whenever the city planner is authorized, pursuant to this title, Title 19, or Title 20 to make a decision or determination, such decision or determination is final and effective when the city planner’s written determination is mailed or otherwise delivered to the person(s) affected by the determination, whichever time is least restrictive. Within ten calendar days of the date that a decision or determination becomes final, a written appeal may be filed with the city planner by an interested person. An individual member of the city council can be an interested person for purposes of the appeal. Filing of such an appeal within such time limits shall stay the effect of the decision or determination of the city planner until such time as the planning commission has acted on the appeal. The appeal shall specifically state the reason or reasons for the appeal. The burden of proof is on the appellants to establish by substantial evidence that the grounds for the requested action exist. Grounds for appeal shall be limited to the following: that there was an error or abuse of discretion on the part of the city planner in that the decision was not supported by the facts presented to the city planner prior to the decision being appealed; or that there was not a fair and impartial hearing. Fees for filing an appeal under this section shall be established by resolution of the city council.
C. Upon the filing of an appeal, the city planner shall schedule the appeal for hearing before the planning commission as soon as practicable. An appeal shall be heard and noticed in the same manner as was required of the determination or decision being appealed. The appeal hearing before the planning commission is de novo; however the planning commission shall consider only the evidence presented to the city planner for consideration in the determination or decision being appealed. The planning commission shall determine all matters not specified in the appeal have been found by the city planner and are supported by substantial evidence. The planning commission may affirm, modify, or reverse the decision of the city planner, and make such order supported by substantial evidence as it deems appropriate, including remand to the city planner with directions for further proceedings. The planning commission action on an appeal shall be final unless appealed to the city council, pursuant to the provisions of Section 21.54.150. (Ord. CS-199 § 4, 2013; Ord. CS-178 § CX, 2012; Ord. CS-164 §§ 10—12, 2011; Ord. CS-102 § CV, 2010; Ord. CS-099 § IV, 2010; Ord. NS-675 § 61, 2003; Ord. NS-506 § 6, 1999; Ord. NS-352 § 5, 1996; Ord. NS-176 § 7, 1991; Ord. 9807 § 2, 1986)

21.54.150 Effective date of order—Appeal of planning commission decisions.

(a) This section shall apply to those decisions or determinations of the planning commission made pursuant to this title or Title 19. Accordingly, in this section, “housing and neighborhood services director” shall be interchangeable with “city planner”; “housing and neighborhood services department” shall be interchangeable with “planning division”; and “community development commission” shall be interchangeable with “city council.”

(b) Whenever the planning commission is authorized pursuant to this title or Title 19 to make a decision or determination, such decision or determination is final and effective upon the adoption of the resolution or decision. Within ten calendar days of the date that a decision or determination becomes final, a written appeal may be filed with the city clerk. An individual member of the city council can be an interested person for purposes of the appeal. Filing of such an appeal within such time limits shall stay the effect of the decision or determination of the planning commission until such time as the city council has acted on the appeal as set forth in this title. The appeal shall specifically state the reason or reasons for the appeal. The burden of proof is on the appellant to establish by substantial evidence that the grounds for the decision or determination exist. Grounds for appeal shall be limited to the following: that there was an error or abuse of discretion on the part of the planning commission in that the decision was not supported by the facts presented to the planning commission prior to the decision being appealed; or that there was not a fair and impartial hearing. Fees for filing an appeal under this section shall be established by resolution of the city council.

(c) Upon the filing of an appeal, the city clerk shall schedule the appeal for hearing before the city council as soon as practicable. An appeal shall be heard and noticed in the same manner as was required of the determination or decision being appealed. The appeal hearing before the city council is de novo; however the city council shall consider only the evidence presented to the planning commission for consideration in the determination or decision being appealed. The city council shall determine all matters not specified in the appeal have been found by the planning commission and are supported by substantial evidence. The city council may affirm, modify, or reverse the action of the planning commission, and make such order supported by substantial evidence as it deems appropriate, including remand to the planning commission with directions for further proceedings. Any action by the city council shall be final and conclusive; provided, however, that any action reversing the decision of the planning commission shall be by the affirmative vote of at least three members of the city council.

(d) Upon receipt of a written appeal to the city council filed with the city clerk, the city clerk shall advise the city planner who shall transmit to said clerk the planning commission’s complete record of the case. (Ord. CS-199 § 5, 2013; Ord. CS-164 §§ 10—12, 2011; Ord. CS-102 § CV, 2010; Ord. CS-099 § V, 2010; Ord. NS-675 § 62, 2003)
Chapter 21.55

DEDICATION OF LAND AND FEES FOR SCHOOL FACILITIES

Sections:
21.55.010 Title.
21.55.020 Authority—Conflict.
21.55.030 Purpose and intent.
21.55.040 Regulations.
21.55.050 Findings.
21.55.060 General plan.
21.55.070 Definitions.
21.55.080 Exemptions.
21.55.090 Notice to school districts.
21.55.100 School district findings.
21.55.110 Requirements of notice of findings.
21.55.120 Restriction on approval of residential developments—City council findings.
21.55.130 Requirement of fees and/or dedications.
21.55.140 Payment of fees in smaller developments.
21.55.150 Standards for land dedication and fees.
21.55.155 Limitation on fee—Builder’s option.
21.55.160 Filing application for residential development.
21.55.170 Notification to school districts.
21.55.180 Decision factors.
21.55.190 School district schedule.
21.55.200 Land dedication.
21.55.210 Fee payment.
21.55.220 Fees held in trust.
21.55.230 Use of land and fees.
21.55.240 Refunds.
21.55.250 Agreement for fee distribution.
21.55.260 Fee fund records and reports.
21.55.270 Termination of dedication and fee requirements.
21.55.280 Operative date.
21.55.290 Residential developments in process—Exempted.

21.55.010 Title.
This chapter shall be known as the school facilities dedication and fee ordinance. (Ord. 9505 § 1, 1978)

21.55.020 Authority—Conflict.
This chapter is adopted pursuant to the provisions of Section 66478 of the California Government Code. In the case of any conflict between the provisions of this chapter, and those of the California Government Code, the latter shall prevail. (Ord. CS-102 § CVI, 2010; Ord. NS-365 § 17, 1996; Ord. 9505 § 1, 1978)

21.55.030 Purpose and intent.
This chapter is intended to implement the school facilities dedication and fees legislation in the city and to provide authority whereby the city, affected school districts, and applicants for land development approvals may undertake such reasonable steps as the city council determines to be necessary to alleviate overcrowding of school facilities. (Ord. 9505 § 1, 1978)
21.55.040  Regulations.
The city council may from time to time, by resolution, issue regulations to establish procedures, inter-pretations and policy directions for the administration of this chapter. (Ord. 9505 § 1, 1978)

21.55.050  Findings.
The city council of the city finds and declares as follows:
(a) Adequate school facilities should be available for children residing in new residential developments.
(b) Public and private residential developments may require the expansion of existing public schools or the construction of new school facilities.
(c) In many areas of the city, the funds for the construction of new classroom facilities are not available when new development occurs, resulting in the overcrowding of existing schools.
(d) New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated under existing law within a reasonable period of time.
(e) That, for these reasons, new and improved methods of financing for interim school facilities necessitated by new development are needed in the city. (Ord. 9505 § 1, 1978)

21.55.060  General plan.
The general plan of the city provides for the location of public schools. Those interim school facilities to be constructed from fees paid or those lands to be dedicated for school facilities as required by this chapter shall be consistent with the general plan of the city. (Ord. 9505 § 1, 1978)

21.55.070  Definitions.
Whenever the following words are used in this chapter, unless otherwise defined, they shall have the meaning ascribed to them in this section:
(a) “Conditions of overcrowding” means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.
(b) “Decision making body” means the city council, planning commission, city engineer, city planner and community and economic development director.
(c) “Dwelling unit” means a building or a portion thereof, or a mobile home, designed for residential occupancy by one person or a group of two or more persons living together as a domestic unit.
(d) “Interim facilities” or “interim school facilities” means temporary classrooms, including their utilities, furnishings and toilet facilities not constructed with permanent foundations.
(e) “Reasonable methods for mitigating conditions of over-crowding” shall include, but not be limited to, the following:
   (1) Agreements between a subdivider and the affected school district whereby temporary-use buildings will be leased to the school district;
   (2) The use of temporary-use buildings owned by the school district;
   (3) The use of temporary portable classrooms, student busing, classroom double sessions, year-round use of school facilities, school boundary realignments, and elimination of low priority school facility uses;
   (4) The use of available annual tax rate bond revenues or state loan revenues, to the extent authorized by law;
   (5) The use of funds which could be available from the sales of surplus school district real property and funds available from any other sources.
(f) “Residential development” means a project containing residential dwellings, including mobile homes, of one or more units, or a subdivision of land for the purpose of constructing one or more residential dwelling units. Residential development includes but is not limited to:

1. A tentative or final subdivision map or parcel map or a time extension or amendment to such a map;
2. A conditional use permit;
3. A site development plan;
4. A variance;
5. A privately proposed specific plan or amendment thereto which would allow an increase in authorized residential density;
6. A privately proposed amendment to the city general plan which would allow an increase in authorized residential density;
7. An ordinance rezoning property to a residential use or to a more intense residential use;
8. A grading permit;
9. A building permit;
10. Any other discretionary permit for residential use. (Ord. CS-164 §§ 10, 14, 2011; Ord. NS-675 §§ 76, 79, 2003; Ord. 1261 § 52, 1983; Ord. 1256 § 7, 1982; Ord. 9533 § 2, 1979; Ord. 9505 § 1, 1978)

21.55.080 Exemptions.
A residential development shall be exempt from the requirements of this chapter when it consists only of the following:

a. Any modification or remodel of an existing legally established dwelling unit where no additional dwelling units are created;

b. Any rebuilding of a legally established dwelling unit destroyed or damaged by accident, act of God or other catastrophe;

c. A condominium conversion where fees have been paid pursuant to this chapter in connection with the issuance of approvals for the construction of the building being converted. (Ord. 9505 § 1, 1978)

21.55.090 Notice to school districts.
The city shall notify all potentially affected school districts of an application for any residential developments proposed for location within their boundaries. Such notice shall not be required if said district has already made the findings listed in Section 21.55.100 or for developments for which a grading permit or building permit are the only required city approvals. (Ord. 9505 § 1, 1978)

21.55.100 School district findings.
If the governing body of the school district which operates an elementary or high school in the city makes a finding supported by clear and convincing evidence that (a) conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing; and (b) that all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible methods for reducing such conditions exist, the governing body of the school district shall notify the city council. The notice of findings sent to the city shall specify the mitigation measures considered by the school district. After the receipt of any notice of findings complying with this section, the city council shall determine whether it concurs in such school district findings. The city council may schedule and hold a public hearing on the matter of its proposed concurrence prior to mak-
ing its determination. If the city council concurs in such findings, the provisions of Section 21.55.120 shall be applicable to actions taken on residential development by a decision-making body. (Ord. 9505 § 1, 1978)

21.55.110 Requirements of notice of findings.
Any notice of findings sent by a school district to the city council shall specify:
(a) The findings listed in Section 21.55.100.
(b) The mitigation measures and methods, including those listed in subsection (a) of Section 21.55.070 considered by the school district and any determination made concerning them by the district;
(c) The precise geographic boundaries of the overcrowded attendance area or areas;
(d) Whether the school district has received an apportionment pursuant to the Leroy F. Green State School Building Lease Purchase Law of 1976 (Chapter 22, commencing with Section 17700, of Part 10 of the California Education Code);
(e) Such other information as may be required by the city council. (Ord. 9533 § 3, 1979; Ord. 9505 § 1, 1978)

21.55.120 Restriction on approval of residential developments—City council findings.
Within the attendance area where it has been determined pursuant to Section 21.55.100 that conditions of overcrowding exist, no decision-making body shall approve an application for a residential development within such area, unless such decision-making body makes one of the following findings:
(a) That action will be taken pursuant to this chapter to provide dedications of land and/or fees to mitigate conditions of overcrowding; or
(b) That there are specific overriding fiscal, economic, social or environmental factors which in the judgment of the decision-making body would benefit the city, thereby justifying the approval of a residential development otherwise subject to the provisions of this chapter. An agreement between the applicant for a residential development and the school district to mitigate conditions of overcrowding within that attendance area may be considered by a decision-making body as such an overriding factor. (Ord. 9505 § 1, 1978)

21.55.130 Requirement of fees and/or dedications.
For the purpose of establishing an interim method of providing classroom facilities where overcrowding conditions exist as determined pursuant to Section 21.55.100, the city may require, as a condition to the approval of a residential development, the dedication of land, the payment of fees in lieu thereof, or a combination of both, as determined by a decision-making body during the hearings and other proceedings on specific residential development applications falling within its jurisdiction. Prior to imposition of the fees and/or dedications of land, it shall be necessary for a decision-making body acting on the application to make the following findings:
(a) The city general plan provides for the location of public schools.
(b) The land or fees, or both, transferred to a school district shall be used only for the purpose of providing interim elementary, junior high or high school classroom and related facilities.
(c) The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary, junior high or high school facilities and shall be reasonably related and limited to the need for schools caused by the development; provided, however, the fee shall not exceed the amount necessary to pay five annual lease payments for the interim facilities. In lieu of the fees, the builder of a residential development may, at the developer's option and at the developer's expense, provide interim facilities, owned or controlled by such developer, at the place designated by the school district, and at the conclusion of the
fifth school year the developer shall, at developer’s expense, remove the interim facilities from such place.

(d) The facilities to be constructed, purchased, leased, or rented from such fees, or the land to be dedicated, or both, is consistent with the city general plan. (Ord. 9533 § 4, 1979; Ord. 9505 § 1, 1978)

21.55.140 Payment of fees in smaller developments.
Only the payment of fees shall be required in subdivisions containing fifty lots or less and in residential developments where a building permit or grading permit are the only required city approvals. Sections 21.55.160, 21.55.170, 21.55.180 and 21.55.190 shall not apply to residential developments for which only fees may be required. (Ord. 9505 § 1, 1978)

21.55.150 Standards for land dedication and fees.
The standards for the amount of dedicated land or fees to be required shall be determined by the city council and set by resolution. The governing board of each school district where a determination has been made pursuant to Section 21.55.100 that conditions of overcrowding exist, shall recommend standards for their attendance areas to the city council. Such standards and the facts supporting them shall be transmitted to the city council within sixty days of a request therefor by the city council or within sixty days following the issuance of the initial permit for the development. Failure to provide such recommendation shall constitute a waiver by the governing body of the school district of the fees. If the city council concurs in such recommended standards, they shall, until revised, be used by decision-making bodies in situations where dedications of land and/or fees are required as a condition to the approval of a residential development. Nothing in this section shall prevent the city council from using standards other than those recommended by the school district in the event the city council is unable to concur in those transmitted by the district. (Ord. 9533 § 5, 1979; Ord. 9505 § 1, 1978)

21.55.155 Limitation on fee—Builder’s option.
(a) Notwithstanding anything in this chapter to the contrary, after a school district has received an apportionment pursuant to the Leroy F. Green State School Building Lease Purchase Law of 1976 (Chapter 22, commencing with Section 17700, of Part 10 of the California Education Code), the dedication of land or the payment of a fee shall not be required. Any school district receiving such an apportionment shall immediately notify the city.

(b) Notwithstanding the provisions of Section 21.55.150, the fee to be required by this chapter shall not exceed the amount necessary to pay five annual lease payments for the interim facilities. In lieu of such fees, the builder of a residential development shall have the option, at his or her expense, of providing interim facilities, owned or controlled by such builder, at the place designated by the school district, and at the conclusion of the fifth school year the builder shall, at his or her expense, remove the interim facilities. In exercising such option the builder shall make arrangements satisfactory to the school district prior to the issuance of building permits within the residential development. (Ord. 9533 § 5, 1979; Ord. 9505 § 1, 1978)

21.55.160 Filing application for residential development.
At the time of filing an application for approval of a residential development located within an attendance area where the findings required by Section 21.55.100 have been made, the applicant shall, as part of such filing, indicate whether he or she prefers to dedicate land for school facilities, to pay a fee in lieu thereof, or do a combination of these. If the applicant prefers to dedicate land, he or she shall suggest the specific land. (Ord. 9505 § 1, 1978)
21.55.170 Notification to school districts.
Upon receipt of an application for a residential development within an attendance area where the findings required by Section 21.55.100 have been made, the city planner shall notify the affected school districts thereof. Said notification shall be made no later than thirty days prior to consideration of the application by a decision-making body. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9505 § 1, 1978)

21.55.180 Decision factors.
(a) Upon receipt of the notification required by Section 21.55.170, the governing board of the affected school district shall recommend whether a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both, should be required. The school district shall make and transmit their recommendation to the city planner within twenty days of the notification date. Failure by a district to reply within such twenty-day period shall be deemed to be a recommendation that a fee payment only be required. The city planner shall submit the recommendation to the appropriate decision-making body for concurrence. If the decision-making body concurs in such recommendations, it may, at the time of its consideration of a residential development application, impose such requirements. In their respective actions regarding this determination, the school district and the decision-making body shall consider the following factors:

1. Whether lands offered for dedication will be consistent with the city general plan;
2. Whether the lands offered for dedication meet the criteria established by Education Code Section 39000, et seq.;
3. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;
4. Whether the location and amount of lands proposed to be dedicated or the amount of fees to be paid, or both, will bear a reasonable relationship and will be limited to the needs of the community for interim elementary, junior high school, or senior high school facilities and will be reasonably related and limited to the need for schools caused by the development;
5. If only a subdivision is proposed, whether it will contain fifty parcels or less.

Nothing herein shall prevent a decision-making body from imposing requirements other than those recommended by the school district in the event that a decision-making body is unable to concur in the district’s recommendation hereunder.

(b) If the school district has entered into an agreement with the applicant for the residential development to mitigate conditions of overcrowding within the attendance area covered by the application, the governing board shall, upon receipt of the notification required by Section 21.55.170, so advise the city planner and transmit a copy thereof for submission to the appropriate decision-making body for consideration as an overriding factor under Section 21.55.120. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9505 § 1, 1978)

21.55.190 School district schedule.
Following the action by a decision-making body to require the dedication of land or the payment of fees, or both, the city planner shall notify each school district affected thereby. The governing body of the school district shall then submit a schedule specifying how it will use the land or fees, or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the city council and the reasons for the modifications. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 1256 § 7, 1982; Ord. 9505 § 1, 1978)
21.55.200 Land dedication.
When land is to be dedicated, it shall be offered for dedication to the affected school district in substantially the same manner as prescribed in Title 20 regarding streets and public easements for subdivisions. Dedicated land which subsequently is determined by the school district to be unsuitable for school purposes may be sold with the approval of the city council. The funds derived therefrom must be used in accordance with this chapter. (Ord. 9505 § 1, 1978)

21.55.210 Fee payment.
If the payment of a fee is required, such payment or the pro rata amount thereof shall be made at the time a building permit within the residential development is approved and issued. (Ord. 9505 § 1, 1978)

21.55.220 Fees held in trust.
Fees paid under this chapter shall be held in trust by the city. Such fees, plus accrued interest, less a reasonable service and handling charge of no more than the accrued interest, shall be transferred to the school districts operating schools within the attendance area from which the fees were collected from time to time as the city council may determine. (Ord. 9505 § 1, 1978)

21.55.230 Use of land and fees.
All land or fees, or both, collected pursuant to this chapter and transferred to a school district, shall be held in trust and shall be used only by the district for the purpose of providing interim elementary, junior high or high school classroom and related facilities in the attendance area from which the land or fees were collected. (Ord. 9505 § 1, 1978)

21.55.240 Refunds.
If a residential development approval is vacated or voided, and if the affected school district has not made use of the land and/or fees collected therefor, and if the applicant so requests, the governing board of the school district shall order the land and/or fees returned to the applicant. (Ord. 9505 § 1, 1978)

21.55.250 Agreement for fee distribution.
If two separate school districts operate schools in an attendance area where the city council has concurred that overcrowding conditions exist for both school districts, the city council will enter into an agreement with the governing body of each school district for the purpose of determining the distribution of revenues from the fees levied pursuant to this chapter. In the event the school districts do not agree, the city shall retain all fees until an agreement is secured. (Ord. 9505 § 1, 1978)

21.55.260 Fee fund records and reports.
Any school district receiving funds pursuant to this chapter shall maintain a separate account for any fees paid and shall file a report with the city council on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased, or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1st of each year and shall be filed more frequently at the request of the city council. (Ord. 9505 § 1, 1978)

21.55.270 Termination of dedication and fee requirements.
When it is determined by the city council that conditions of overcrowding no longer exist in an attendance area, decision-making bodies shall cease levying any fee or requiring the dedication of any land for that area pursuant to this chapter. Action under this section shall not affect the validity of conditions already imposed for levy of fees and dedications of land and such conditions shall remain binding. (Ord. 9505 § 1, 1978)
21.55.280  Operative date.
This chapter shall become operative on October 5, 1978. (Ord. 9505 § 1, 1978)

21.55.290  Residential developments in process—Exempted.
Residential developments for which the only city approvals required are a grading permit or building permit
are exempt from the provisions of this chapter, provided the application for such grading permit or building
permit has been accepted by the city as complete and was on file with the city on September 5, 1978. (Ord.
9505 § 1, 1978)
Section: 21.56.010 Provisions to be minimum requirements—Conflict of provisions.

21.56.010 Provisions to be minimum requirements—Conflict of provisions.
In interpreting and applying the provisions of this title they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties, provided, however, for developments located in the coastal zone, easements, covenants, or other agreements between parties may not annul the requirements, restrictions or obligations placed on the zone. When this title imposes a greater restriction upon the use of building or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this title shall control. (Ord. NS-365 § 18, 1996; Ord. 9060 § 2100)
Chapter 21.58

VIOLATION—REVOCATION—EXPIRATION*

Sections:

21.58.010 Notice of violation for noncompliance with conditions.
21.58.020 Revocation of permits or variance.
21.58.030 Expiration of permits.
21.58.040 Extensions.


21.58.010 Notice of violation for noncompliance with conditions.

(a) Failure to comply with the conditions of approval for any discretionary or ministerial permit is unlawful. Whenever the city has knowledge that conditions of approval of any permit or discretionary action issued pursuant to this title have not been complied with, the city shall mail by certified mail a notice of intention to record a notice of violation to the property owner and the permittee. The notice of intention to record a notice of violation shall:

(1) Describe the conditions of development in detail, naming the permittees and owners of the property;
(2) Describe the violation (specifying which condition(s) have not been satisfied);
(3) State that an opportunity will be given to the property owner and/or permittee to present evidence why such notice should not be recorded; and
(4) Specify a place, time, and date, which is not less than thirty days and not more than sixty days from the date of mailing at which the owner may present evidence to the city.

(b) If, after the owner and/or permittee has presented evidence, the city determines that there has been no violation, the city shall mail a clearance letter to the owner and permittee.

(c) If, however, after the owner and/or permittee has presented evidence, the city determines that the owner and/or permittee has in fact not complied with conditions of the subject approval or discretionary action, or if within fifteen days of receipt of a copy of such notice the owner and/or permittee of such real property fails to inform the city of his or her objection to recording the notice of violation, the city shall record the notice of violation with the county recorder.

(d) The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property. (Ord. CS-102 § CVII, 2010)

21.58.020 Revocation of permits or variance.

(a) The decision-making body who issued a permit pursuant to this title may revoke or modify said permit or variance; except those permits or variances issued by the city planner, in which case the planning commission, may revoke or modify said permit or variance. The revocation hearing shall be noticed consistent with Section 21.54.060, and the revocation shall be based on one or more of the following grounds:

(1) That the approval was obtained by fraud;
(2) That the use for which such approval is granted is not being exercised;
(3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
(4) That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
(5) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance. (Ord. CS-164 § 10, 2011; Ord. CS-102 § CVII, 2010)

21.58.030 Expiration of permits.
Any permit or approval granted pursuant to this title becomes null and void if not exercised within two years of the date of approval; however, permits or approvals which are issued in conjunction with a tentative map or tentative parcel map, shall not expire sooner than the approved tentative map or tentative parcel map. The permit or approval may be extended pursuant to Section 21.58.040. (Ord. CS-178 § CXII, 2012; Ord. CS-102 § CVII, 2010)

21.58.040 Extensions.
(a) This section shall apply to extensions of time that may be granted to permits or approvals granted pursuant to this title.

(b) The city planner may administratively, without a public hearing or notice, extend the time within which the right or privilege granted under a permit or approval is valid, subject to the following:

(1) Prior to the expiration date of the permit or approval, the applicant shall submit a written request for a time extension, along with payment of the application fee contained in the most recent fee schedule adopted by the city council.

(2) Provided the written request for a time extension is timely filed, the permit shall be automatically extended until a decision to approve, conditionally approve or deny the request is rendered; however, if a time extension is granted, it shall be based on the original approval date.

(3) The city planner shall extend the permit or approval for an additional two years, if the following findings are made:

(A) The permit or approval remains consistent with the general plan, all titles of this code and growth management program policies and standards in place at the time the extension is considered.

(B) Circumstances have not substantially changed since the permit or approval was originally granted.

(C) The city planner may grant no more than three, two-year extensions, for a total cumulative time extension of six years; except however, that any permit or approval issued in conjunction with the approval of a tentative map or tentative parcel map shall be extended for the same period of time that a tentative map or tentative parcel map may be extended pursuant to Title 20 of this code.

(D) All project related permits or approvals, which were granted concurrently, shall be extended to expire concurrently, provided all such permits are extended pursuant to the provisions of this section.

(E) When granting an extension of a permit or approval, the city planner may impose new conditions and may revise existing conditions.

(F) The city planner shall announce in writing, by letter, his/her decision to grant or deny an extension of a permit or approval. A copy of the letter announcing the city planner’s decision shall be mailed to the applicant and/or the applicant’s representative and to any person who has filed a written request to receive such notice. (Ord. CS-178 § CXIII, 2012)
CHAPTER 21.60

PERMITS—LICENSE ENFORCEMENT

Sections:

21.60.010 Certificate of occupancy permit.
21.60.020 Conflicting licenses or permits.
21.60.030 Permit issuance for model homes.

21.60.010 Certificate of occupancy permit.
To assure compliance with the parking requirements and other provisions of the zoning title, a certificate of occupancy shall be obtained from the community and economic development director before:

(1) Any new building be initially occupied or used;
(2) Any existing building be altered or a change of type or class of use be made; and
(3) A change of use of any unimproved premises be made. (Ord. CS-164 § 14, 2011; Ord. NS-675 § 79, 2003; Ord. 1261 § 53, 1983; Ord. 9060 § 2300)

21.60.020 Conflicting licenses or permits.
All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this title. No such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void. (Ord. 9060 § 2301)

21.60.030 Permit issuance for model homes.
Whenever a tentative subdivision map shall have been approved by the Carlsbad city planning commission and the Carlsbad city council, the community and economic development director may issue building permits for model homes to be located on property contained within any such tentative map under the following conditions:

(1) That no certificate of occupancy or final inspection certificate shall be issued for such model homes until the final subdivision map shall have been filed and recorded;
(2) That all model homes shall be erected on lots as indicated on the approved subdivision map and all regulations of the Zoning Ordinance shall be observed in the manner required of lots on a recorded subdivision;
(3) That not more than four building permits for model homes may be issued for any one proposed subdivision for which a tentative map has been fully approved by the city; provided, that if such model homes are to be located on streets that are not dedicated and improved in accordance with the standards of the city not more than two building permits for more than two such model homes may be issued;
(4) That if for any reason the final recording of the final map is not completed within a one-year period, or the map is abandoned, final inspection certificate and certificate of occupancy for any model homes erected under this section may be issued upon the dedication of the full right-of-way required along the full frontage of any lots built upon and the full improvement to city standards of such right-of-way. (Ord. CS-164 § 14, 2011; Ord. NS-675 § 79, 2003; Ord. 1261 § 53, 1983; Ord. 9082 § 1; Ord. 9060 § 2301.1)
Chapter 21.61

JUDICIAL REVIEW OF ZONING DECISIONS AND TIME LIMITATION

Sections:

21.61.010 Time limits for judicial review of zoning decisions.
21.61.020 Zoning as the result of judicial decision.
21.61.025 Notification of litigation and Attorney General intervention for developments in the coastal zone.

21.61.010 Time limits for judicial review of zoning decisions.
Any legally permitted action or proceeding to attack, review, set aside, void, annul, or seek damages or compensation for any city decision or action taken pursuant to this title or to determine the reasonableness, legality or validity of any condition attached thereto shall not be maintained by any person unless such action or proceeding is commenced and service effected within the time limits specified in Chapter 1.16 of this code and Section 65860 of the Government Code and Sections 21167 and 30801 of the Public Resources Code. Thereafter all persons are barred from commencing or prosecuting any action or proceeding or asserting any defense of invalidity or unreasonableness of such decision or of such proceedings, determinations or actions taken. For the purpose of this section, the terms “decision,” “determination,” “action taken” and “action taken pursuant to this code” shall include administrative, adjudicatory, legislative, discretionary, executive and ministerial decisions, determinations, proceedings or other action taken or authorized by this code. The provisions of this section shall not expand the scope of judicial review and shall prevail over any conflicting provisions and any otherwise applicable law relating to the subject matter. (Ord. 1216 § 2, 1979)

21.61.020 Zoning as the result of judicial decision.
Whenever any zone or zone classification is declared invalid as applied to any specific property or properties by the final action of any court of competent jurisdiction, such property shall automatically be zoned L-C limited control and shall be subject to the provisions of Chapter 21.39 of this code without the necessity of any action by the city. (Ord. 9540 § 2, 1980)

21.61.025 Notification of litigation and Attorney General intervention for developments in the coastal zone.
The provisions of Public Resources Code Section 30800 et seq. shall apply to developments in the coastal zone in any case where no appeal has been filed from the decision of a local government on a development permit in the coastal zone (including decisions or nonappealable developments) or where an appeal has been filed but the commission has determined not to hear the appeal, and where litigation has subsequently been commenced against the local government concerning its decision, the local government and plaintiff or petitioner shall promptly forward a copy of the complaint or petition to the executive director of the commission. At the request of the local government (with the concurrence of the commission) or upon an order of the commission, the executive director shall request the Attorney General to intervene in such litigation on behalf of the commission. Administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided by the California Coastal Act and its regulations have been utilized. (Ord. NS-365 § 19, 1996)
Chapter 21.62

VIOLATIONS

Sections:

21.62.010 Violation—Penalty.

21.62.010 Violation—Penalty.
Each person, firm or corporation found guilty of a violation is deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided in this title and in Section 1.08.010 of this code, and any use, occupation or building or structure maintained contrary to the provisions hereof shall constitute a public nuisance. (Ord. 9060 § 2401)

The city retains the right to enforce any remedy for violations in accordance with Chapters 1.08 and 1.10 of the Carlsbad Municipal Code, including but not limited to recording a notice of violation. (Ord. CS-102 § CIX, 2010)
Chapter 21.70

DEVELOPMENT AGREEMENTS

Sections:
21.70.005 Authority for adoption—Applicability.
21.70.010 Application.
21.70.020 Fees and reimbursements.
21.70.030 Accounting requirements.
21.70.040 Notices and hearings.
21.70.050 Decision-making authority.
21.70.060 Findings of fact.
21.70.110 Irregularity in proceedings.
21.70.120 Amendment and cancellation of agreement by mutual consent.
21.70.130 Recordation.
21.70.150 Procedure for periodic review.
21.70.160 Modification or termination.
21.70.170 No damages on termination.
21.70.180 No vesting of rights.
21.70.190 Reservation of rights.

21.70.005 Authority for adoption—Applicability.
This chapter is adopted under the authority of Government Code Sections 65864—65869.5. This chapter shall be applicable to any project for which an applicant requests consideration of a development agreement. (Ord. NS-302 § 1, 1995; Ord. 9643 § 1, 1982)

21.70.010 Application.
A. An application for a development agreement may be made by any person having a legal or equitable interest in real property for the development of the real property or by that person’s authorized agent. The application shall:
   1. Be made in writing on a form provided by the city planner;
   2. State fully the circumstances and conditions relied upon as grounds for the application;
   3. Be accompanied by adequate plans, a legal description of the property involved and all other materials as specified by the city planner;
   4. Be accompanied by the form of development agreement agreeable to the city planner and city attorney. The proposed agreement shall contain all the elements required by Government Code Section 65865.2 and may include any other provisions permitted by law, including requirements that the applicant provide sufficient security approved by the city attorney to ensure provision of public facilities;
   5. Be accompanied by a fiscal impact analysis, if the applicant claims that the project will have an economic benefit to the city.
B. The city planner shall require an applicant or the applicant’s authorized agent to submit proof of interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the city planner shall obtain the opinion of the city attorney as to the sufficiency of the applicant’s interest in the real property to enter into the agreement. (Ord. CS-178 § CXV, 2012; Ord. CS-164 § 10, 2011; Ord. NS-302 § 2, 1995; Ord. 1261 § 54, 1983; Ord. 9643 § 1, 1982)
21.70.020 Fees and reimbursements.
A. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council.
   1. Nothing in this chapter shall relieve the applicant from the obligation to pay any other fee for a city approval, permit or entitlement required by this code.
   2. The city may require the applicant to agree to pay the city’s costs in negotiating, preparing and processing the development agreement, including the fees and expenses of special counsel and any other consultants engaged by the city in connection with the development agreement. (Ord. CS-178 § CXV, 2012; Ord. NS-302 § 3, 1995; Ord. 9643 § 1, 1982)

21.70.030 Accounting requirements.
A. For any development agreement entered into on or after January 1, 2004, the city shall comply with Government Code Section 66006 et seq., the Mitigation Fee Act, with respect to any fee it receives or costs it recovers pursuant to this chapter.
B. The Mitigation Fee Act requires the city to deposit developer fees or costs reimbursements collected associated with the development agreement into a separate capital facilities account or fund and spend the money only for the purpose for which it was collected. The city must provide an annual public report accounting for these funds. (Ord. CS-178 § CXVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-302 § 4, 1995; Ord. 1261 § 54, 1983; Ord. 9643 § 1, 1982)

21.70.040 Notices and hearings.
Notice of an application for a development agreement shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § CXVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-302 § 5, 1995; Ord. 9643 § 1, 1982)

21.70.050 Decision-making authority.
A. An application for a development agreement may be approved, modified or denied by the city council based upon its review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at the public hearing.
B. Prior to the city council’s decision on a development agreement, the application shall be processed as follows:
   1. The city planner shall review the application and may reject it if it is incomplete or inaccurate for processing. If the planner finds that the application is complete, he or she shall accept it for filing.
   2. After the application is found to be complete, the city planner shall forward a copy of the application and proposed agreement to the city attorney for review.
   3. If the applicant claims that the project will have an economic benefit to the city, the city planner shall forward a copy of the application, proposed agreement, and fiscal impact analysis, to the finance director for review.
   4. If the project is located within the coastal zone, the city shall forward copies of any proposed development agreement to the California Coastal Commission for review and invite comments as to its consistency with the certified local coastal program.
   5. The city planner shall review the application and proposed agreement and shall prepare a report and recommendation to the planning commission on the agreement; said report shall include the recommendations of the city attorney and finance director.
   6. The planning commission shall hear and consider the application and prepare a recommendation and findings for the city council, including the matters stated in Section 21.70.050 of this chapter.
C. The city council shall hear the matter and consider the findings and recommendations of the planning commission.

D. The city council may approve the development agreement only if all the findings of fact in Section 21.70.060 of this chapter are found to exist.

E. If the city council approves the development agreement, it shall adopt an ordinance approving the agreement and directing the mayor to execute the agreement after the effective date of the ordinance on behalf of the city. Before execution, each agreement shall be approved as to form by the city attorney. (Ord. CS-178 § CXVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-302 § 6, 1995; Ord. 1261 § 54, 1983; Ord. 9643 § 1, 1982)

21.70.060 Findings of fact.

A. The city council shall not approve a development agreement unless it finds that the agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the general plan, the certified local coastal program and any applicable specific plan;

2. Is compatible with the uses authorized in and the regulations prescribed for the land use district in which the real property is located and all other provisions of Title 21 of this code;

3. Is in conformity with public convenience, general welfare and good land-use practices;

4. Will not be detrimental to the health, safety and general welfare;

5. Will not adversely affect the orderly development of property or the preservation of property values;

6. Is consistent with the provisions of Government Code Sections 65864—65869.5;

7. Where applicable, ensures provision of public facilities in a manner consistent with the general plan;

8. When applicable, is consistent with the provisions of Title 20 of this code;

9. Will result in the provision of economic, environmental, recreational, cultural or social benefits to the city which would not be attainable without approval of the agreement. (Ord. CS-178 § CXVII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-302 § 7, 1995; Ord. 1261 § 54, 1983; Ord. 9643 § 1, 1982)

21.70.110 Irregularity in proceedings.

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation or any matters of procedure whatever, unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown. (Ord. 9643 § 1, 1982)

21.70.120 Amendment and cancellation of agreement by mutual consent.

(a) Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The amendment or cancellation permitted by this section must be by mutual consent of the parties.

(b) The procedure for proposing and adoption of an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement in the first instance. However, where the city initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate
such proceedings at least thirty days in advance of the giving of public notice of the hearing to consider the amendment or cancellation. (Ord. 9643 § 1, 1982)

**21.70.130 Recordation.**
(a) Within ten days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder.

(b) If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the city terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall have notice of such action recorded with the county recorder. (Ord. 9643 § 1, 1982)

**21.70.150 Procedure for periodic review.**
(a) The city council or the planning commission, if the matter has been referred, shall conduct a public review hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

(b) The city council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

(c) If the city council finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, no other action is necessary.

(d) If the city council finds and determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the council may initiate proceedings to modify or terminate the agreement. (Ord. 9643 § 1, 1982)

**21.70.160 Modification or termination.**
A. A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest.

B. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 21.54.060.A of this title. (Ord. CS-178 § CXIX, 2012; Ord. 9643 § 1, 1982)

**21.70.170 No damages on termination.**
In no event shall the applicant or his/her successors in interest be entitled to any damages against the city upon termination of the agreement. (Ord. 9643 § 1, 1982)

**21.70.180 No vesting of rights.**
Approval and construction of a portion or phase of a development pursuant to the agreement shall not vest any rights to construct the remainder or any other portion of the development nor create any vested rights to the approval thereof if the agreement is terminated as provided in this chapter. (Ord. 9643 § 1, 1982)

**21.70.190 Reservation of rights.**
The city council reserves the right to terminate or modify any development agreement after a public hearing if such termination or modification is reasonable and necessary to protect the public health, safety or welfare. (Ord. 9643 § 1, 1982)
Chapter 21.80

COASTAL DEVELOPMENT PERMITS—AGUA HEDIONDA

Sections:
21.80.010 Definitions.
21.80.020 Permit required.
21.80.030 Development exempt from coastal development permit procedures.
21.80.040 Application.
21.80.050 Duties of city planner.
21.80.060 Transmittal of planning commission.
21.80.070 Planning commission action.
21.80.080 Effective date of order—Appeal of planning commission decision.
21.80.090 City council action.
21.80.100 Public hearings.
21.80.110 Appeals to coastal commission.
21.80.120 Notice of final local action.
21.80.130 Effective date of permit.
21.80.140 Review of recorded documents.
21.80.150 Expiration of coastal permits.
21.80.160 Administrative permits procedures.
21.80.170 Applications for emergency permits.
21.80.180 Termination.
21.80.190 Severability.

21.80.010 Definitions.
(a) Coastal Zone. The coastal zone is defined as the Agua Hedionda segment of the Carlsbad coastal zone and shown on the map entitled “Agua Hedionda segment of the Carlsbad Coastal Zone,” dated January 26, 1983, and on file in the planning division.

(b) Development. “Development” means, on land, in or under water the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the subdivision map act and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of private, public, or municipal utility, and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, “structure” includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electric power transmission and distribution line.

(c) Major Energy Facility. “Major energy facility” means any energy facility as defined by Public Resources Code Section 30107 and exceeding fifty thousand dollars in estimated cost of construction.

(d) Major Public Works Project. "Major public works project" means any public works project as defined by Title 14 California Administrative Code Section 13012 and exceeding fifty thousand dollars in estimated cost of construction. (Ord. CS-164 § 11, 2011; amended during 2-04 supplement; Ord. NS-675 § 79, 2003; Ord. 9670 § 1, 1983)
21.80.020 Permit required.
No development shall occur in the coastal zone without a permit having first been issued according to the provisions of this chapter. (Ord. 9670 § 1, 1983)

21.80.030 Development exempt from coastal development permit procedures.
(a) A permit issued for a development which is categorically excluded from the coastal development permit requirements pursuant to California Public Resources Code Section 30610 shall be exempt from the requirement of this chapter. The city planner shall maintain a record of all permits issued for categorically excluded development. The records shall include the applicant’s name, an indication that the project is located in the coastal zone, the location of the project, and a brief description of the project.
(b) The following developments are within the original permit jurisdiction of the coastal commission pursuant to California Public Resources Code Section 30600.5(b). Consequently, they are exempt from the requirements of this chapter:
   (1) Developments between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;
   (2) Developments located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff;
   (3) Any development which constitutes a major public works project or a major energy facility;
   (4) Any development proposed or undertaken within ports covered by Chapter 8 commencing with Section 30700 of the Public Resources Code or within any state university or college within the coastal zone;
   (5) Any development proposed by any state agency. Applications for these developments must be made directly with the commission. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 78, 2003; Ord. 9670 § 1, 1983)

21.80.040 Application.
Application for a permit for a coastal development permit shall be made in accordance with the procedures set forth in this section.
(a) An application for a permit may be made by the record owner or owners of the property affected or the authorized agent of the owner or owners. The application shall be filed with the city planner upon forms provided by the planner. The application shall be accompanied by adequate plans which allow for detailed review pursuant to this chapter, a legal description of the property and all other materials and information specified by the director.
(b) At the time of filing the application the applicant shall pay a processing fee in an amount specified by city council resolution.
(c) Unless the property has previously been legally subdivided and no further subdivision is required the application shall be accompanied by a tentative map which shall be filed with the director in accordance with procedures set forth in Chapter 20.12 of this code. If the project contains four or less lots or units, the application shall be accompanied by a tentative parcel map which shall be filed with the city engineer in accordance with procedures set forth in Chapter 20.24 of this code.
(d) Whenever the development would require a permit or approval under the provisions of this title, notwithstanding this chapter, the application shall include sufficient information to allow review of such permit or approval. Application for all permits or approvals under this title and the coastal permit may be consolidated into one application.
(e) The city planner may require that the application contain a description of the feasible alternatives to the development or mitigation measures which will be incorporated into the development to substantially lessen any significant effect on the environment which may be caused by the development.

(f) The application shall provide the applicant an opportunity to indicate whether the project qualifies for administrative approval pursuant to Section 21.80.160. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 78, 2003; Ord. 9670 § 1, 1983)

21.80.050 Duties of city planner.

(a) After the application has been accepted as complete the city planner shall determine if the project is exempt from the requirements of this chapter pursuant to Section 21.80.030. The planner shall give notice of a determination of exemption to all persons specified in Section 21.80.160. The cost of providing this notice shall be included in the fee paid by the applicant.

(b) The city planner shall approve, conditionally approve or deny permits for projects qualifying for administrative approval pursuant to Section 30624 of the state Public Resources Code; providing, however, that an administrative permit shall not be issued for any development which must be reviewed by the coastal commission pursuant to Sections 30579(b) and 30601 of the Public Resources Code.

(c) The city planner shall issue all emergency permits.

(d) If the planner determines that the matter does not qualify for an exemption or an administrative or emergency permit, then the planner shall set the matter for public hearing before the planning commission. The coastal permit may be set for hearing at the same time as any other permit for the project.

(e) The effective date of the city planner’s decision and the method for appeal of such decision shall be governed by Section 21.54.140. (Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 63, 78, 2003; Ord. 9670 § 1, 1983)

21.80.060 Transmittal of planning commission.

Unless the application is exempt or qualifies for an administrative or emergency permit, the director shall transmit the application, together with a recommendation thereon, to the planning commission for public hearing when all necessary reports and processes have been completed. An application for a coastal permit may be considered in conjunction with any other discretionary permit required for the project. (Ord. 9670 § 1, 1983)

21.80.070 Planning commission action.

After a public hearing the planning commission may approve, conditionally approve or deny the application. No approval or conditional approval shall be given unless the planning commission finds: (1) that the development is consistent with the provisions of the Agua Hedionda land use plan; and (2) will not conflict with the development of permanent ordinances and procedures for implementation of the Agua Hedionda local coastal program. (Ord. 9670 § 1, 1983)

21.80.080 Effective date of order—Appeal of planning commission decision.

(a) The effective date of the decision of the planning commission and method for appeal of such decision shall be governed by Section 21.54.150 of this code.

(b) If the development for which a coastal development permit also requires other discretionary approvals for which the planning commission is not given final approval authority, then the planning commission action on the coastal development permit shall be deemed a recommendation to the city council. (Ord. NS-675 § 64, 2003; Ord. NS-506 § 7, 1999; Ord. NS-356 § 6, 1996; Ord. 9670 § 1, 1983)
21.80.090 City council action.
If the review of the coastal development is consolidated with other reviews pursuant to this code for which the planning commission does not have final approval authority, the city council shall hold a public hearing on the coastal permit. At the public hearing, the city council shall review the planning commission’s decision, shall consider the matter and shall approve, conditionally approve or disapprove the permit. The city council shall not approve or conditionally approve or disapprove the permit unless it finds that the project is consistent with the Agua Hedionda land use plan and that approval or conditional approval will not conflict with the development of permanent ordinances and procedures for implementation of the Agua Hedionda local coastal program. The decision of the city council is final. (Ord. 9670 § 1, 1983)

21.80.100 Public hearings.
Whenever a public hearing is required by this chapter, notice of the hearing shall be given as provided in Section 21.54.060(1) of this code. When the hearing on a coastal development permit is consolidated with the hearing on a tentative map, notice shall satisfy the requirements of both this chapter and Title 20 of this code. In addition to the persons required to be notified pursuant to Section 21.54.060(1) or Title 20, notice shall be given to all persons who have previously requested notice of development permits within the coastal zone. The list of persons requesting such notice shall be updated annually. (Ord. 9670 § 1, 1983)

21.80.110 Appeals to coastal commission.
(a) Any final action taken by the city on a coastal development permit application, or any permit approval which occurs by operation of law, may be appealed to the coastal commission by any person, the executive director or any two members of the commission pursuant to Public Resources Code Section 30602. Exhaustion of all local appeals must occur before an application may be appealed to the commission.

(b) The appeal shall be filed not later than thirty days after the date of the final local action. (Ord. 9670 § 1, 1983)

21.80.120 Notice of final local action.
Within five working days of a final local action on an application for any coastal development, or any approval which occurs by operation of law, the city planner shall provide notice of the action by first class mail to the commission and to any persons who specifically requested notice of such final action by submitting an addressed, stamped envelope to the city. Such notice shall include any conditions of approval and written findings and the procedures for appeal of the local action to the commission. (Ord. CS-164 § 10, 2011; Ord. NS-675 § 76, 2003; Ord. 9670 § 1, 1983)

21.80.130 Effective date of permit.
The coastal development permit shall be valid upon the expiration of thirty days from the date of the final local action unless an appeal to the commission has been filed or the notice of final local action does not comply with the requirements of Section 21.80.110. (Ord. 9670 § 1, 1983)

21.80.140 Review of recorded documents.
All coastal development permits subject to conditions that require the recordation of deed restrictions, offers to dedicate or agreements imposing restrictions on real property shall be subject to the following procedures:

(a) The executive director of the commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit that are necessary to find the development consistent with the land use plan.

(b) The executive director of the commission shall have fifteen working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions, if any.
(c) The local government may issue the permit upon expiration of the fifteen-working-day period if notification of inadequacy has not been received by the local government within that time period.

(d) If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director. (Ord. 9670 § 1, 1983)

21.80.150  Expiration of coastal permits.
A coastal development permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project require no permits or approvals other than a coastal development permit, the coastal development permit shall expire one year from its date of approval if the project has not been commenced during that time. (Ord. 9670 § 1, 1983)

21.80.160  Administrative permits procedures.
(a) An applicant requesting an administrative permit shall so indicate at the time the application is filed.

(b) Notice than an administrative permit has been issued shall be given to the public and shall also be given to all organizations and individuals who have previously requested such notice. The public notice shall be given by at least one of the following procedures:

   (1) Publication at least one time in a newspaper of general circulation in the city;
   (2) Posting for not less than ten days on and off site in the area where the project is located;
   (3) Direct mailing to owners of property within three hundred feet of the project as such owners are shown on the latest equalized assessment roll.

(c) Approval or conditional approval of an administrative permit may be given only if the city planner makes the findings specified in Section 21.80.070. Any application for a development deemed a principal permitted use within the meaning of Section 30624 of the Public Resources Code may be issued an administrative permit under this chapter only if the development is specifically categorized as the principal permitted use in the certified land use plan unless specifically set forth in Section 30624 of the Public Resources Code.

(d) The effective date of any decision of the director pursuant to this section and method for appeal of such decision shall be governed by Section 21.54.140 of this code. The appeal shall be considered by the planning commission in accordance with the provisions of this chapter for any other application.

(e) Notice of the director's decision on an administrative application shall be mailed to the applicant within five days of the dates of the decision. The applicant may appeal the decision as provided in subsection (d).

(f) Amendments to administrative permits may be considered on the same criteria and under the same procedures as original applications pursuant to this section. (Ord. CS-164 § 10, 2011; Ord. NS-675 §§ 65, 78, 2003; Ord. 9670 § 1, 1983)

21.80.170  Applications for emergency permits.
(a) Applications in case of emergency shall be made by letter to the city planner or in person or by telephone, if time does not allow. “Emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

(b) The following information shall be included in the request:

   (1) Nature of the emergency;
   (2) Cause of the emergency, insofar as this can be established;
(3) Location of the emergency;
(4) The remedial, protective or preventive work required to deal with the emergency; and
(5) The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

(c) The director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows.

(d) The director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency.

(e) The director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the director finds that:
   (1) An emergency exists that requires action more quickly than permitted by the procedures for administrative permits or for regular permits and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;
   (2) Public comment on the proposed emergency action has been reviewed, if time allows; and
   (3) The work proposed would be consistent with the requirements of the certified land use plan.

(f) The director shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code, Sections 30159(b) and 30601.

(g) The director shall report, in writing, to the coastal commission through its executive director and to the city council, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. The report of the director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the director subject to the provisions of this section. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing. If at that meeting, one-third of the city council so request, the permit issued by the director shall not go into effect and the application for a coastal development permit shall be processed in due course in accordance with the procedures set forth in Chapter 21.80. (Ord. CS-164 § 10, 2011; Ord. CS-054 § 3, 2009; Ord. NS-675 § 78, 2003; Ord. 9670 § 1, 1983)

21.80.180 Termination.
The provisions of this chapter shall be effective until such time as the ordinances and other acts necessary to implement the Agua Hedionda local coastal program are adopted, at which time this chapter shall be superseded by the chapter establishing the permit procedures. (Ord. 9670 § 1, 1983)

21.80.190 Severability.
If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional. (Ord. 9670 § 1, 1983)
Chapter 21.82

BEACH AREA OVERLAY (BAO) ZONES

Sections:

21.82.010 Intent and purpose.
21.82.020 Application.
21.82.030 Permitted uses.
21.82.040 Site development plan required.
21.82.050 Building height.
21.82.060 Parking.
21.82.070 Approved projects.

21.82.010 Intent and purpose.

A. The intent and purpose of the beach area overlay (BAO) zone is to supplement the underlying residential zoning by providing additional regulations for development within designated beach areas to:

1. Ensure that development will be compatible with surrounding developments, both existing and proposed, in the beach area;
2. Provide for adequate parking as needed by residential projects;
3. Ensure that adequate public facilities will exist to serve the beach area;
4. Protect the unique mix of residential development and aesthetic quality of the area. (Ord. NS-834 § III, 2007)

21.82.020 Application.

The beach area overlay zone shall apply to any residentially zoned property within the area bounded by the AT&SF Railroad right-of-way to the east, the Pacific Ocean to the west, Buena Vista Lagoon to the north and Agua Hedionda Lagoon to the south. (Ord. NS-834 § III, 2007)

21.82.030 Permitted uses.

In the beach area overlay zone, any principal use, accessory use, transitional use or conditional use permitted in the underlying zone is permitted subject to the same conditions and restrictions applicable in such underlying zone and to all of the requirements of this chapter. (Ord. NS-834 § III, 2007)

21.82.040 Site development plan required.

No building permit or other entitlement shall be issued for any use in the beach area overlay zone unless there is a valid site development plan approved for the property processed pursuant to Chapter 21.06 (Q-Overlay Zone) of this code. When a development requires a conditional use permit or is processed pursuant to Chapter 21.45 of this code, a site development plan is not required unless the planned development is for four or less units in which case a site development plan shall be processed. Further, a site development plan is not required for the construction, reconstruction, alteration or enlargement of a single-family residential dwelling on a residentially zoned lot. (Ord. NS-834 § III, 2007)

21.82.050 Building height.

No newly constructed, reconstructed, altered or enlarged residential structure within the beach area overlay zone shall exceed thirty feet if a minimum 3/12 roof pitch is provided or twenty-four feet if less than a 3/12 roof pitch is provided. (Ord. CS-026 § 10, 2009; Ord. NS-834 § III, 2007)
21.82.060 Parking.

A. With the exception of the parking standards specified in this section, the parking standards specified in Chapter 21.44 shall apply.

B. The parking standards specified in Chapter 21.45 shall apply to planned developments within the BAO zone.

C. Visitor Parking.
   1. Visitor parking shall be provided for all residential development, as follows:

| TABLE A |
|-----------------|-----------------|
| NUMBER OF VISITOR PARKING SPACES REQUIRED | |
| Number of Units | Amount of Visitor Parking |
| Projects with 10 dwelling units or less | A 0.30 space per each unit or fraction thereof. |
| Projects with 11 units or more | A 0.25 space per each unit or fraction thereof. |

2. 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.

3. Required visitor parking may be provided within driveways, subject to the following:
   a. One required visitor parking space may be credited for each driveway in a project that has a depth of forty feet or more.
   b. If all streets within and/or adjacent to the project allow for on-street parking on both sides of the street, then visitor parking may be located in a driveway, subject to the following:
      i. All required visitor parking may be located within driveways, provided that all dwelling units in the project have driveways with a depth of twenty feet or more.
      ii. If less than one hundred percent of the driveways in a project have a depth of twenty feet or more, then a 0.25 visitor parking space will be credited for each driveway in a project that has a depth of twenty feet or more (calculations resulting in a fractional parking space credit shall always be rounded down to the nearest whole number).
      iv. The minimum twenty-foot driveway depth required for visitor parking applies to driveways for front or side-loaded garages, and is measured from the property line, back of sidewalk, or from the edge of street pavement, whichever is closest to the structure.

4. Up to fifty-five percent of the visitor parking may be provided as compact spaces (eight feet by fifteen feet);

5. No credit will be given for on-street parking to satisfy any of the parking requirements above. (Ord. NS-834 § III, 2007)

21.82.070 Approved projects.

This chapter shall not apply to projects having received final discretionary approval, pursuant to Titles 20 and 21 both, from the City of Carlsbad prior to June 26, 1985. If projects exempted above have not commenced construction and made substantial progress towards completion by June 26, 1987, then this chapter shall apply to those projects at that time. (Ord. NS-834 § III, 2007)
Chapter 21.83

CHILD CARE

Sections:
21.83.010 Purpose.
21.83.020 Definitions.
21.83.030 Exclusions.
21.83.040 Use chart.
21.83.050 Requirements for large family day care homes.
21.83.080 Development standards for child day care centers.

21.83.010 Purpose.
The purposes of the child care development regulations are to:
A. Recognize that affordable, quality, licensed child care is critical to both the well-being of children and parents as well as the economic vitality of the city;
B. Provide a comprehensive set of guidelines to ensure a safe child care environment and to maintain compatibility between child care facilities and surrounding land uses;
C. Ensure that the needs of children for adequate care are balanced with the rights of property owners;
D. Facilitate the establishment of child care facilities as a permitted use within certain zones;
E. Enhance provider awareness of city requirements;
F. Authorize child day care centers in P-M and C-M zones as conditionally permitted uses and subject to specified standards; and
G. Implement state law with regard to the provision of child care facilities. As stated in Health and Safety Code, Section 1597.40: “Family Day Care Homes must be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a Family Day Care Home the same home environment as provided in a traditional home setting.” It is the policy of the state that small and large family day care homes do not constitute a change of occupancy of residentially zoned and occupied properties for purposes of local ordinances as well as local building and fire codes. Traffic and noise generated by child day care homes are considered to be of normal residential levels which may be reasonably restricted but not used as a basis for permit denial. Conditions, covenants and restrictions (CC&Rs) restricting or prohibiting child care homes in residential neighborhoods were voided by Health and Safety Code Section 1597.40(c). Judgments on the quality of child care are the responsibility of parents, the provider, and the licensing agency. (Ord. NS-409 § 21, 1997)

21.83.020 Definitions.
For the purposes of this chapter, the terms used herein relating to the provision of child care services are defined as follows:
A. “Acutely hazardous materials” means substances which have the greatest potential to pose a hazard to public health and the environment in the event of accidental release. These substances are identified in California Health and Safety Code Chapter 6.95.
B. “Threshold planning quantities” means the amount of specific acutely hazardous materials which, if accidentally released into the environment, are likely to cause acute health effects resulting in significant injury to or death of humans.
C. “Child or children” means a person or persons, under eighteen years of age being provided care and supervision in a child care facility.
D. “Child day care center” means a facility other than a family day care home which provides nonmedical care, protection, and supervision for children under eighteen years of age for periods of less than twenty-four hours per day. Child day care centers include preschools, nursery schools, employer-sponsored child day care facilities, and before- and after-school recreational programs, but do not include public or private elementary schools.

E. “Employer-sponsored child day care center” means any child day care center at the employer’s site of business and operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of that employer, and of the officers, managers, and employees of the employer.

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

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

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

G. “Provider” means a person or entity who operates a child day care center or a large family day care home and is licensed by the county to provide child care services. (Ord. NS-409 § 21, 1997)

21.83.030 Exclusions.

The requirements of this chapter do not apply to the following:

A. Any child day care home providing care for the children of only one family in addition to the provider's own children;

B. Any cooperative arrangement between parents for the care of their children by one or more of the parents where no payment for the care is involved;

C. Any arrangement for the receiving and care of children by a relative;

D. Any public recreation programs conducted by a public entity specified in and meeting the requirements of Health and Safety Code Section 1596.792(g); or recreation programs conducted for children by a Boys’ Club, a Girls’ Club, the Brownies, the Cub/Boy/Girl Scouts, the Campfire Girls or similar such organizations as determined by state regulations issued pursuant to Health and Safety Code Section 1596.793; and

E. Any public or private schools operating before- and after-school recreational programs or child day care centers. (Ord. NS-675 § 68, 2003; Ord. NS-409 § 21, 1997)

21.83.040 Use chart.

The following use chart indicates the zones where small and large family day care homes and child day care centers are permitted, subject to the requirements of this chapter.
“P” indicates that the use is permitted in the zone.
“LDCP” indicates that the use is permitted subject to approval of a large family day care permit, processed in accordance with Section 21.83.050 of this chapter.
“MCUP” indicates that the use is permitted subject to approval of a minor conditional use permit (process one) processed in accordance with Chapter 21.42 of this title.
“CUP” indicates that the use is permitted subject to approval of a conditional use permit (process two) processed in accordance with Chapter 21.42 of this title.
“X” indicates that the use is prohibited in the zone.

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Small Family Day Care Home (8 or fewer children)</th>
<th>Large Family Day Care Home (14 or fewer children)</th>
<th>Child Day Care Center</th>
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<td>X</td>
<td>CUP(5)</td>
</tr>
<tr>
<td>M, P-U, O-S, L-C, T-C, C-T</td>
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<td>V-R, P-C</td>
<td>(4)</td>
<td>LDCP (1)(4)</td>
<td>(2)(3)(4)</td>
</tr>
</tbody>
</table>

Notes:
(1) Permitted only when the large family day care home is located on a lot occupied by a detached, single-family dwelling, subject to the provisions of Section 21.83.050 of this chapter.
(2) Permitted subject to the provisions of Section 21.83.080 of this chapter.
(3) Child day care centers are allowed as a permitted use (no conditional use permit or minor conditional use permit required) within existing buildings on developed church or school sites, subject to the provisions of Section 21.83.080 of this chapter.
(4) Permitted subject to the standards of the controlling document (Carlsbad Village Master Plan and Design Manual or designated master plan).
(5) Permitted subject to the provisions of Sections 21.83.060 and 21.83.080 of this chapter.

(Ord. CS-178 § CXXII, 2012; Ord. CS-102 § CX, 2010; Ord. NS-765 § 4, 2005; Ord. NS-409 § 21, 1997)

21.83.050 Requirements for large family day care homes.
A. The applicant shall obtain all licenses and permits required by state law for operation of the facility and shall keep all state licenses or permits valid and current.
B. Large Family Day Care Permit. No large family day care home shall operate without first obtaining a large family day care permit issued by the city.
   1. Application and Fee.
      a. An application for a large family day care permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
         i. Be made in writing on a form provided by the city planner;
         ii. State fully the circumstances and conditions relied upon as grounds for the application; and
iii. Be accompanied by adequate plans, a legal description of the property involved and all other materials as specified by the city planner.

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

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

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

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

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

5. Expiration, Extensions And Amendments.
   a. The expiration period for a large family day care permit shall be as specified in Section 21.58.030 of this title.
   b. A large family day care permit may be extended pursuant to Section 21.58.040 of this title.
   c. A large family day care permit may be amended pursuant to Section 21.58.124 of this title.

C. Development Standards.

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

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

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

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

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

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

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

8. The applicant shall require that employees park in locations which will not inconvenience nearby residents. To disrupt the neighborhood as little as possible, best efforts shall be made by the ap-
A. Child day care centers are permitted in the P-M and C-M zones with a conditional use permit (process two) processed in accordance with Chapter 21.42 of this title, and subject to Section 21.83.080 of this chapter and the following provisions:

1. The applicant shall conduct an evaluation of the health and safety risks associated with the proposed child day care center. The evaluation shall include a survey of all businesses within one thousand feet of the proposed child day care center to determine the nature and quantity of hazardous materials in use nearby. If the conditional use permit is granted, thereafter, the provider shall conduct similar annual evaluations and disclose results to the fire chief and city planner. The evaluations must demonstrate to the satisfaction of the fire chief and city planner that the occurrence of the following within one thousand feet of the child care center presents no significant health or safety risks to the occupants:
   a. Use or storage of acutely hazardous materials in amounts above the threshold planning quantities (TPQs);
   b. Use or storage of more than ten thousand gallons of flammable liquids; or
   c. Use or storage of more than one thousand five hundred pounds of flammable compressed gas.

2. Prior to enrollment of the child in the child day care center, the provider shall, in writing, inform the child’s parents that their child(ren) may be subject to health and safety risks due to the presence, use and discharge of hazardous materials (including acutely hazardous materials above the TPQs) in the area. Parents shall also be informed that the provider may be required to retain custody of their children for extended time periods during an emergency.

3. Prior to occupancy, the provider shall prepare and obtain approval by the fire chief of an emergency operating plan which prescribes procedures to be followed during the existence of the child day care center which ensure the following:
   a. That children can be evacuated from the building within five minutes and relocated to a predetermined refuge area(s) within ten minutes of emergency notification; and
   b. Quarterly exercise of the plan.

4. The applicant shall enter into an agreement with the city to discontinue operation of the child day care center immediately upon the discovery of the existence of hazardous materials as described in Section 21.83.060A.1.a above when such materials are found by the fire chief and city planner to present a health and safety risk to children attending the child day care center. The applicant shall have ninety days to mitigate, to the satisfaction of the fire chief, the impacts created by the use of said hazardous materials. If impacts are not mitigated within ninety days, the conditional use permit for the child day care center shall become null and void. The applicant shall agree to indemnify and hold the city and its officers, employees, and agents free and harmless from any claims, actions, damages, costs, or expenses arising from exposure of children to hazardous substances as a result of the presence of the former in or near the child day care center. The fire chief or city planner are authorized to enter into the agreement on behalf of the city.

5. The applicant shall submit a conversion plan at the time of application which demonstrates to the satisfaction of the city planner and the fire chief that the child day care center could be converted to a use permitted within the zone if the conditional use as a child day care center is discontinued.

6. Upon acceptance of a complete application and payment of the required fees, the city planner shall process the application in accordance with Chapter 21.54 of this title except that notices
shall be given to all property owners within one thousand feet of the subject property. (Ord. CS-178 § CXXII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-565 § 3, 2001; Ord. NS-409 § 21, 1997)

21.83.080 Development standards for child day care centers.
All child day care centers shall comply with the following development standards:

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

B. The center shall meet all zoning standards otherwise applicable to the project site.

C. Indoor and outdoor play areas which satisfy the requirements of the County of San Diego day care licensing agency shall be provided. The outdoor play area shall be adjacent to the center and accessible through the center itself. The outdoor play area shall be enclosed by a natural barrier, wall, or fence a minimum of five feet in height. If located adjacent to residentially-zoned property, the separating barrier, wall, or fence shall be of solid construction. Said outdoor play area shall not be allowed in any required front, side or rear yard setbacks and shall be located and designed so as to reduce noise impacts on adjacent properties.

D. The outdoor play space shall be viewable directly from the interior of the structure by having windows at strategic points so that the yard area can be seen from the inside of the child care center.

E. Each child day care center shall have a direct source of natural light which shall be located so as to maximize the ability for children to see out of windows.

F. The following parking requirements shall apply:
   1. Parking shall be provided consistent with the standards specified in Chapter 21.44, unless otherwise specified in this section.
   2. Parking shall not be located in any required front yard setback.
   3. An adequate on-site loading/unloading area shall be provided which can be easily accessed from the child day care center without crossing any driveways or streets. This area may be counted towards the required parking.
   4. Clearly designated pedestrian walkways shall be provided.

G. Signs shall be permitted in accordance with the underlying zone as provided in Chapter 21.41 of this title.

H. Any additional conditions regarding safety and access deemed necessary or desirable by the city engineer, or community and economic development director. (Ord. CS-164 § 14, 2011; Ord. CS-102 § CXI, 2010; Ord. NS-675 § 79, 2003; Ord. NS-409 § 21, 1997)
Chapter 21.84

HOUSING FOR SENIOR CITIZENS

Sections:
21.84.010 Title.
21.84.020 Purpose.
21.84.030 Definitions.
21.84.040 Use table.
21.84.050 Location guidelines.
21.84.060 Development standards and design criteria.
21.84.070 Inclusionary housing requirements and density bonus provisions.
21.84.080 Application process.
21.84.090 Findings for approval.
21.84.100 Additional requirements.
21.84.110 Monitoring and reporting requirements.

21.84.010 Title.
This chapter shall be known and may be cited and referred to as the “Housing for Senior Citizens Ordinance of the City of Carlsbad.” (Ord. NS-662 § 12, 2003)

21.84.020 Purpose.
A. The purpose of the housing for senior citizens regulations is to:
   1. Recognize the housing needs of senior citizens;
   2. Provide a mechanism and standards for the development of rental or for-sale housing available to senior citizens;
   3. Provide comprehensive standards and regulations to ensure housing is designed to meet the special needs of senior citizens (i.e., physical, social and economic needs);
   4. Facilitate the establishment of housing for senior citizens within certain zones subject to the approval of a site development plan;
   5. Comply with state and federal laws prohibiting age discrimination in housing; and
   6. Provide standards and regulations for housing for senior citizens construed in accordance with California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and the Federal Code of Regulations Title 24 Sections 100.300 to 100.308. (Ord. NS-662 § 12, 2003)

21.84.030 Definitions.
A. For the purposes of this chapter, the terms used in this chapter relating to the provision of housing for senior citizens are defined as follows:
   1. “Cohabitant” refers to and means persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the Family Code.
   2. “Disability” means any mental or physical disability as defined in Section 12926 of the Government Code.
   3. “Housing” or “dwelling unit” means any residential accommodation (rental unit or for-sale unit) designed for occupancy by a senior citizen or qualifying resident, and each unit having only one kitchen, excluding mobile homes in a “senior citizen housing development.”
4. “Housing community” means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a housing community.

5. “Housing for senior citizens” means a housing community:
   a. Provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist senior citizens (as defined in the state or federal program); or
   b. Intended for, and solely occupied by, persons sixty-two years of age or older; or
   c. Intended and operated for occupancy by persons fifty-five years of age or older, and where the housing facility is consistent with the definition of a “senior citizen housing development.”

6. “Senior citizen” means:
   a. A person sixty-two years of age or older; or
   b. A person fifty-five years of age or older in a “senior citizen housing development.”

7. “Senior citizen housing development” means:
   a. A residential development developed, substantially rehabilitated, or substantially renovated, for persons fifty-five years of age or older, that has:
      i. At least thirty-five dwelling units (rental or for-sale units); and
      ii. At least eighty percent of the occupied dwelling units occupied by at least one person who is fifty-five years of age or older.

B. The following definitions shall only apply to a “senior citizen housing development”:
   1. “Qualifying resident” means a person fifty-five years of age or older in a senior citizen housing development.
   2. “Qualified permanent resident” means:
      a. A person who meets both of the following requirements:
         i. Was residing with the qualifying resident prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident; and
         ii. Was forty-five years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident.
      b. A disabled person or person with a disabling illness or injury who is a child or grandchild of the qualifying resident or a qualified permanent resident, who needs to live with the qualifying resident or qualified permanent resident because of the disabling condition, illness or injury.
   3. “Permitted health care resident” means a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. The care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both. (Ord. NS-662 § 12, 2003)

21.84.040 Use table.
Housing for senior citizens is permitted subject to the approval of a minor site development plan (MSDP) or site development plan (SDP) in certain zones as indicated in the following table:
Table A
Zones Where Housing for Senior Citizens Is Permitted

<table>
<thead>
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<th>Zone</th>
<th>Housing for Senior Citizens</th>
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<tr>
<td>R-3</td>
<td>MSDP/SDP₁</td>
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<tr>
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</tr>
<tr>
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<td>R-W</td>
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<td>RD-M</td>
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<tr>
<td>V-R</td>
<td>See note 3, below</td>
</tr>
<tr>
<td>P-C</td>
<td>See note 3, below</td>
</tr>
</tbody>
</table>

Note: Housing for senior citizens is prohibited in those zones not indicated.

Notes:
₁ Housing for senior citizens with four units or less shall be subject to the approval of a minor site development plan, and housing for senior citizens with five units or more shall be subject to the approval of a site development plan.
₂ The city may approve a minor site development plan or site development plan for housing for senior citizens on property in the R-P zone where the general plan applicable to such property permits residential uses.
₃ May be permitted subject to the standards of the controlling document (i.e., in V-R zone - Carlsbad Village Master Plan and Design Manual, and in P-C zone - applicable master plan) and the provisions of this chapter.

(Ord. CS-178 § CXXIII, 2012; Ord. CS-099 § VI, 2010; Ord. NS-662 § 12, 2003)

21.84.050 Location guidelines.
A. Housing for senior citizens should, whenever reasonably possible, be located consistent with the following location guidelines:
   1. The proposed project should be located in close proximity to a wide range of commercial retail, professional, social and community services patronized by senior citizens; or have its own private shuttle bus which will provide daily access to these services;
   2. The proposed project should be located within a reasonable walking distance of a bus or transit stop unless a common transportation service for residents is provided and maintained;
   3. The proposed project should be located in a topographically level area; and
   4. Development of housing for senior citizens at the proposed location should not be detrimental to public health, safety and general welfare. (Ord. NS-662 § 12, 2003)

21.84.060 Development standards and design criteria.
A. Housing for senior citizens shall comply with all applicable development standards of the underlying zone, except those which may be modified in this chapter or as an additional incentive granted pursuant to Chapter 21.86 of this code.
B. In the coastal zone, any project processed pursuant to this chapter and Chapter 21.86 of this code shall be consistent with all certified local coastal program provisions, with the exception of density.
C. The following parking requirements shall apply:
   1. Parking shall be provided consistent with the standards specified in Chapter 21.44, unless otherwise specified in this section.
   2. Whenever possible, parking spaces should be laid out at either a thirty, forty-five or sixty degree angle; and
3. Required parking spaces shall be available to residents of the project at no fee.

D. To the maximum extent feasible, architectural harmony, through the use of appropriate building height, materials, bulk and scale within the development and within the existing neighborhood and community shall be obtained.

E. The building(s) shall be finished on all sides with similar roof and wall materials, colors and architectural accent features.

F. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty-five dwelling units or fractional number thereof. At least one washer and one dryer shall be provided in every project. Washers and dryers may be coin operated.

G. A manager’s unit shall be provided in every housing project of sixteen or more units (rental projects only). The manager’s unit shall be a complete dwelling unit and so designated on all plans.

H. Housing for senior citizens shall be designed to encourage social contact by providing a minimum of one common room, which may include, but is not limited to, a recreation/social room, a common dining facility or a reading/TV room. Common open space shall also be provided, which may include, but is not limited to, community gardening areas or open landscaped areas with walkways and seating. Common areas shall be designed to ensure that they are useful and functional for residents, and shall comply with the following:
   1. The minimum amount of common area required in each project shall be no less than twenty square feet per dwelling unit;
   2. Common space excludes all stairwells and any balconies of less than forty square feet;
   3. Unless the building is serviced by an elevator, common rooms shall be located on the ground floor; and
   4. Adjacent toilet facilities for men and women shall be provided.

I. In addition to the common areas described above, additional services and programs are encouraged, but not required, to be included in all projects to meet the physical and social needs of senior citizens. Such desirable services and programs may include, but are not limited to, the following:
   1. Social and recreational programs;
   2. Continuing education, information and counseling services;
   3. House cleaning/cooking;
   4. Inside/outside maintenance services;
   5. Emergency and preventative health care programs/services; and
   6. Transportation services.

J. Access to all common areas and housing units within a project shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

K. Entryways, walkways, and hallways in the common areas, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.

L. Walkways and hallways in the common areas shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking, and shall have lighting conditions that are of sufficient brightness to assist persons who have difficulty seeing.

M. Trash collection containers shall be provided in an easily accessible location and in manner that requires a minimum of physical exertion by residents. Trash collection containers shall also be completely screened and located as inconspicuously as possible. Trash enclosures shall be of similar colors and materials as the main building.

N. Dwelling units shall be provided with the following:
1. Tubs and/or showers equipped with, or adaptable for, at least one grab bar;
2. Tubs and/or showers equipped with temperature regulating devices;
3. Slip resistant tub and/or shower bottom surfaces; and
4. Peepholes in entry doors.

O. The design of housing for senior citizens should, to the extent practicable, implement the principles of universal design as currently established by the Center for Universal Design at the North Carolina State University, or any other residential design elements for seniors that may currently be established by the California Department of Aging. Universal design principles encourage building design with accessible and adaptable features that are universally usable by most people regardless of their level of ability or disability. Examples of universal design are as follows:
1. A dwelling unit should be designed to be accessible or adaptable for disabled access;
2. An adaptable dwelling unit has all accessible features that a fixed accessible unit has but allows some items to be omitted or concealed until needed so the dwelling unit can be better matched to individual needs when occupied; and
3. In an adaptable unit, wide doors, no steps, knee spaces, control and switch locations, grab bar reinforcing and other access features must be built in. Grab bars, however, can be omitted and installed when needed. Knee space can be concealed by installing a removable base cabinet that can be removed when needed. Counter tops and closet rods can be placed on adjustable supports rather than fixed at lower heights as required for wheelchair users.

P. Housing for senior citizens shall comply with all applicable building and housing codes and requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Section 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.), and the regulations of Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws. (Ord. CS-102 § CXII, 2010; Ord. NS-662 § 12, 2003)

21.84.070 Inclusionary housing requirements and density bonus provisions.
A. Any market-rate rental or for-sale project constructed pursuant to this chapter shall be required to comply with the inclusionary requirements for residential developments in Chapter 21.85 of this code.
B. Upon written request by an applicant, and in return for his or her agreement to develop and operate a project in accordance with this chapter and Chapter 21.86 of this code (residential density bonus), the final decision-making authority shall allow an increase in the number of dwelling units permitted per acre (density), provided the request for density bonus complies with the requirements of Chapter 21.86. (Ord. NS-662 § 12, 2003)

21.84.080 Application process.
A. Preliminary Review Application. A preliminary review application may be submitted prior to the submittal of a formal application (note: if the project includes a request for a density bonus, a preliminary review application is required).
1. The preliminary review application shall include the following information:
   a. A brief description of the proposal including the total number of senior units, density bonus units and affordable senior units proposed;
   b. The general plan and zoning designations and assessor’s parcel number(s) of the project site;
   c. A site plan, drawn to scale, which includes: building footprints, driveway and parking layout, existing contours and proposed grading; and
d. A letter identifying what specific incentives (i.e., density bonus, standards modifications or financial incentives) are being requested of the city, if any.

2. After review of the preliminary application, the planning division shall provide to an applicant a letter identifying project issues of concern to staff, and the incentives or assistance that the city planner can support when making a recommendation to the final decision-making authority.

B. Formal Application. Except as otherwise provided in this chapter, a minor site development plan or site development plan for housing for senior citizens shall be processed in accordance with the provisions of Chapter 21.06 of this title, excluding Section 21.06.020(b). The findings for approval of a minor site development plan or site development plan for housing for senior citizens are specified in Section 21.84.090 of this chapter.

1. In addition to the application requirements specified in Chapter 21.06, a minor site development plan or site development plan application for housing for senior citizens shall include the following information:

   a. If a density bonus or other incentives are requested, a letter shall be submitted signed by the present owner stating how the project will comply with Government Code Section 65915 and stating what is being requested from the city, (i.e., density bonus, modification of development standards or other additional incentives);

   b. A detailed vicinity map showing the project location and such details as the nearest market, transit stop, park or recreation center, medical facilities or other related uses and services likely to be patronized by senior citizens;

   c. A set of floor plans for each different type of unit indicating a typically furnished apartment, with dimensions of doorways, hallways, closets and cabinets;

   d. A floor plan of the first floor or other floor showing any common areas and accommodations;

   e. A monitoring and maintenance plan; and

2. The decision-making authority for the minor site development plan or site development plan shall be as specified in Chapter 21.06 of this title, unless the project involves a request for financial incentives from the city. If financial incentives are requested, the city council shall have the authority to approve, conditionally approve or deny:

   a. The minor site development plan or site development plan, upon a recommendation from the planning commission; and

   b. The request for financial incentives, upon a recommendation from the housing commission.

C. Building Permit. At the time of plan submittal for building permits, in addition to other required information, the applicant shall submit a set of detailed drawings for kitchens and bathrooms indicating counter and cabinet heights and depth, type of pulls, faucets, grab-bars, tub and/or shower dimensions, and handicapped turn space where appropriate. (Ord. CS-178 § CXXIV, 2012; Ord. CS-164 §§ 10, 11, 2011; Ord. CS-102 § CXIII, 2010; Ord. NS-662 § 12, 2003)

21.84.090 Findings for approval.

A. A minor site development plan or site development plan for housing for senior citizens shall be approved only if the following findings are made:

1. The project is consistent with the various goals, objectives, policies and programs of the general plan, the provisions of municipal code Title 21 (zoning ordinance), the local coastal program (if applicable), and/or the provisions of an applicable master or specific plan;

2. The project site is adequate in size and shape to accommodate the proposed project;

3. The project is properly related to and will not adversely impact the site, surroundings and environmental settings, and will not be detrimental to existing uses specifically permitted in the area in which the proposed project is to be located;
4. The project shall not result in density or design that is incompatible with other land uses in the immediate vicinity, and the project will provide and maintain all yards, setbacks, walls, fences, landscaping, and other features determined necessary to provide compatibility with existing or permitted future uses in the neighborhood;

5. The street system serving the proposed project is adequate to properly handle all traffic generated by the project; and

6. The request for a density bonus and/or additional incentive(s) is consistent with the provisions of Chapter 21.86 of this code. (This finding shall only apply to projects requesting a density bonus and/or additional incentives.) (Ord. CS-178 § CXXIV, 2012; Ord. NS-662 § 12, 2003)

21.84.100 Additional requirements.
A. No housing development constructed prior to January 1, 1985, shall fail to qualify as a “senior citizen housing development” because it was not originally developed or put to use for occupancy by senior citizens.

B. Any person who, on January 1, 1985, had the right to reside in, occupy, or use housing that is subject to the provisions for a “senior citizen housing development” in this chapter and California Civil Code Sections 51.2, 51.3 and 51.4, shall not be deprived of the right to continue that residency, occupancy, or use as the result of the implementation of this chapter.

C. Any person who is not sixty-two years of age or older, and who, on September 13, 1988, had the right to reside in, occupy, or use housing that is restricted to occupancy by persons sixty-two years of age or older, shall not be deprived of the right to continue that residency, occupancy or use as a result of the implementation of this chapter; provided that all new occupants are persons 62 years of age or older.

D. A developer of housing for senior citizens shall establish a homeowner’s association, board of directors, or other governing body, and corresponding covenants, conditions and restrictions or other documents or written policy. Said CC&R’s or other documents or written policy shall be submitted to and approved by the city planner and recorded prior to issuance of a building permit. At a minimum, the CC&R’s or other documents or written policy shall set forth the following:

1. Limitations on occupancy, residency or use on the basis of age;
   a. Any such limitation shall not be more exclusive than to require that:
      i. Each person in residence in each dwelling unit be required to be sixty-two years of age or older; or
      ii. In a “senior citizen housing development” one person in residence in each dwelling unit is required to be a senior citizen or qualifying resident, and that each other resident in the same dwelling unit may be required to be a qualified permanent resident, a permitted health care resident, or a person under fifty-five years of age whose occupancy is permitted under California Civil Code Section 51.3(h) or Section 51.4(b);
   b. The limitations on occupancy may allow for occupancy of units by employees of the housing community (and family members residing in the same unit) who are under sixty-two years of age, or who do not qualify as a qualifying resident, provided they perform substantial duties directly related to the management or maintenance of the housing community;
   c. The limitations on occupancy for housing that is intended for, and solely occupied by, persons sixty-two years of age or older, shall not be less exclusive than to require that the persons commencing any occupancy of a dwelling unit be sixty-two years of age or older, excluding occupancy by persons, permitted pursuant to Section 21.84.100.C and D.1.b, above;
   d. In a “senior citizen housing development,” the limitations on occupancy may be less exclusive than stated above, but shall at least require that the persons commencing any occu-
pancy of a dwelling unit include a qualifying resident who intends to reside in the unit as his or her primary residence on a permanent basis;

e. In a “senior citizen housing development," the limitation on occupancy may result in more than, but not less than eighty percent, all of the dwellings being actually occupied by a qualifying resident;

2. In a “senior citizen housing development," upon the death, dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any qualified permanent resident, as defined in this chapter and Section 51.3 of the California Civil Code, shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident. This provision shall not apply to a permitted health care resident;

3. In a “senior citizen housing development," a permitted health care resident shall be entitled to occupy a dwelling unit during any period that the person is actually providing live-in, long-term, or hospice health care to a senior citizen or qualifying resident for compensation, which includes the provision of lodging and food in exchange for care;

4. In a “senior citizen housing development," upon the absence of the qualifying resident, a permitted health care resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit only if: a) the qualifying resident became absent from the dwelling unit due to hospitalization or other necessary medical treatment and expects to return to his or her residence within ninety days from the date the absence began; and b) the absent qualifying resident, or an authorized person acting for the qualifying resident, submits a written request to the owner, HOA, board of directors, or other governing body stating that the qualifying resident desires that the permitted health care resident be allowed to remain in order to be present when the qualifying resident returns to reside in the development. The HOA, board of directors, or other governing body may permit a permitted health care resident to remain for a period longer than ninety days, but not to exceed an additional ninety days;

5. In a “senior citizen housing development," for any person who is a qualified permanent resident, as defined in this chapter, whose disabling condition ends, the owner, HOA, board of directors, or other governing body may require the formerly disabled resident to cease residing in the development, subject to the provisions of California Civil Code Section 51.3(b)(3); and

6. In a "senior citizen housing development," CC&Rs or other documents or written policy shall allow temporary residency for a guest, who may be less than fifty-five years in age, of a qualifying resident, or qualified permanent resident, for periods of time, not less than sixty days in any year, that are specified in the CC&Rs or other documents or written policy.

E. CC&Rs or other documents or written policies applicable housing for senior citizens that contain age restrictions, shall be enforceable only to the extent permitted in California Civil Code Section 51.3, the Federal Fair Housing Act, and the Federal Code of Regulations Title 24 Sections 100.300 to 100.308, notwithstanding lower age restrictions contained in those documents. (Ord. CS-164 § 10, 2011; Ord. CS-102 § CXIV, 2010; Ord. NS-662 § 12, 2003)

21.84.110 Monitoring and reporting requirements.
To assure compliance with the age requirement of this chapter, all applicants/owners of housing for senior citizens shall be required to submit, on an annual basis, an updated list of all project tenants and their age to the city’s planner. (Ord. CS-164 § 10, 2011; Ord. NS-662 § 12, 2003)
Chapter 21.85

INCLUSIONARY HOUSING

Sections:
21.85.010 Purpose and intent.
21.85.020 Definitions.
21.85.030 Inclusionary housing requirement.
21.85.035 New master plans or specific plans.
21.85.040 Affordable housing standards.
21.85.045 Calculating the required number of inclusionary units.
21.85.060 Inclusionary credit adjustment.
21.85.070 Alternatives to construction of inclusionary units.
21.85.080 Combined inclusionary housing projects.
21.85.090 Creation of inclusionary units not required.
21.85.100 Offsets to the cost of affordable housing development.
21.85.110 In-lieu fees.
21.85.120 Collection of fees.
21.85.130 Preliminary project application and review process.
21.85.140 Affordable housing agreement as a condition of development.
21.85.145 Agreement processing fee.
21.85.150 Agreement amendments.
21.85.155 Expiration of affordability tenure.
21.85.160 Pre-existing approvals.
21.85.170 Enforcement.
21.85.180 Savings clause.
21.85.190 Severability.
21.85.195 Fee deferral.

21.85.010 Purpose and intent.
The purpose and intent of this chapter is as follows:

A. It is an objective of the city, as established by the housing element of the city’s general plan, to ensure that all residential development, including all master planned and specific planned communities and all residential subdivisions provide a range of housing opportunities for all identifiable economic segments of the population, including households of lower and moderate income. It is also the policy of the city to:
   1. Require that a minimum of fifteen percent of all approved ownership and qualifying rental units as set forth in Section 21.85.030(A) be restricted to and affordable to lower-income households; subject to adjustment based on the granting of an inclusionary credit;
   2. Require that for those developments which provide ten or more units affordable to lower-income households, at least ten percent of the lower-income units shall have three or more bedrooms;
   3. Under certain conditions, allow alternatives to on-site construction as a means of providing affordable units; and
   4. In specific cases, allow inclusionary requirements to be satisfied through the payment of an in-lieu fee as an alternative to requiring inclusionary units to be constructed.

B. It is the purpose of this chapter to ensure the implementation of the city’s objective and policy stated in subsection A.

C. Nothing in this chapter is intended to create a mandatory duty on the part of the city or its employees under the Government Tort Claims Act and no cause of action against the city or its employees is cre-
ated by this chapter that would not arise independently of the provisions of this chapter. (Ord. CS-109 § II, 2010; Ord. NS-794 § 2, 2006; Ord. NS-535 § 1, 2000)

21.85.020 Definitions.
Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

A. "Affordable housing" means housing for which the allowable housing expenses paid by a qualifying household shall not exceed a specified fraction of the county median income, adjusted for household size, as follows:
   1. Extremely low-income, rental or ownership units: the product of thirty percent times thirty percent of the county median income, adjusted for household size;
   2. Very low-income, rental and ownership units: the product of thirty percent times fifty percent of the county median income, adjusted for household size;
   3. Low-income, ownership units: the product of thirty percent times eighty percent of the county median income, adjusted for household size; and
   4. Low-income, rental units: the product of thirty percent times seventy percent of the county median income, adjusted for household size.

B. "Affordable housing agreement" means a legally binding agreement between a developer and the city to ensure that the inclusionary requirements of this chapter are satisfied. The agreement establishes, among other things, the number of required inclusionary units, the unit sizes, location, affordability tenure, terms and conditions of affordability and unit production schedule.

C. "Allowable housing expense" means the total monthly or annual recurring expenses required of a household to obtain shelter. For an ownership unit, allowable housing expenses include loan principal and interest at the time of initial purchase by the homebuyer, allowances for property and mortgage insurance, property taxes, homeowners’ association dues and a reasonable allowance for utilities as defined by the Code of Federal Regulations (24 CFR 982). For a rental unit, allowable housing expenses include rent and a utility allowance as established and adopted by the City of Carlsbad housing authority, as well as all monthly payments made by the tenant to the lessor in connection with use and occupancy of a housing unit and land and facilities associated therewith, including any separately charged fees, utility charges, or service charges assessed by the lessor and payable by the tenant.

D. "Affordable housing policy team" shall consist of the community and economic development director, city planner, housing and neighborhood services director, administrative services director/finance director and a representative of the city attorney's office.

E. "Combined inclusionary housing project" means separate residential development sites which are linked by a contractual relationship such that some or all of the inclusionary units which are associated with one development site are produced and operated at a separate development site or sites.

F. "Conversion" means the change of status of a dwelling unit from an ownership unit to a rental unit or vice versa and/or a market-rate unit to a unit affordable to lower-income households.

G. "Development revision" means revisions to development permits, entitlements, and/or related maps.

H. "Density bonus" shall have the same meaning as defined in Section 21.86.020(A)(7) of this title.

I. "Extremely low-income household" means those households whose gross income is equal to or less than thirty percent of the median income for San Diego County as determined by the U.S. Department of Housing and Urban Development.

J. "Financial assistance" means assistance to include, but not be limited to, the subsidization of fees, infrastructure, land costs, or construction costs, the use of redevelopment set-aside funds, community development block grant (CDBG) funds, or the provision of other direct financial aid in the form of cash transfer payments or other monetary compensation, by the City of Carlsbad.
K. “Growth management control point” shall have the same meaning as provided in Chapter 21.90, Section 21.90.045 of this title.

L. “Incentives or concessions” shall have the same meaning as defined in Section 21.86.020(A)(12) of this title.

M. “Inclusionary credit” means a reduction in the inclusionary housing requirement granted in return for the provision of certain desired types of affordable housing or related amenities as determined by the city council.

N. “Inclusionary housing project” means a new residential development or conversion of existing residential buildings which has at least fifteen percent of the total units reserved and made affordable to lower-income households as required by this chapter.

O. “Inclusionary unit” means a dwelling unit that will be offered for rent or sale exclusively to and which shall be affordable to lower-income households, as required by this chapter.

P. “Income” means any monetary benefits that qualify as income in accordance with the criteria and procedures used by the City of Carlsbad housing and redevelopment department for the acceptance of applications and recertifications for the tenant based rental assistance program, or its successor.

Q. “Low-income household” means those households whose gross income is more than fifty percent but does not exceed eighty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development.

R. “Lower-income household” means low-income, very low-income and extremely low-income households, whose gross income does not exceed eighty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development.

S. “Market-rate unit” means a dwelling unit where the rental rate or sales price is not restricted either by this chapter or by requirements imposed through other local, state, or federal affordable housing programs.

T. “Offsets” means concessions or assistance to include, but not be limited to, direct financial assistance, density increases, standards modifications or any other financial, land use, or regulatory concession which would result in an identifiable cost reduction enabling the provision of affordable housing.

U. “Ownership unit” means a residential unit with a condominium or other subdivision map allowing units to be sold individually.

V. “Rental unit” means a residential unit with no condominium or other subdivision map allowing units to be sold individually.

W. “Residential development” means any new residential construction of ownership or rental units; or development revisions, including those with and without a master plan or specific plan, planned unit developments, site development plans, mobile home developments and conversions of apartments to condominiums, as well as dwelling units for which the cost of shelter is included in a recurring payment for expenses, whether or not an initial lump sum fee is also required.

X. “Target income level” means the income standards for extremely low, very low and low-income levels within San Diego County as determined annually by the U.S. Department of Housing and Urban Development, and adjusted for family size.

Y. “Total residential units” means the total units approved by the final decision-making authority. Total residential units are composed of both market-rate units and inclusionary units.

Z. “Very low-income household” means a household earning a gross income equal to fifty percent or less of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development. (Ord. CS-164 §§ 10, 12, 14, 2011; Ord. CS-109 § III, 2010; Ord. NS-794 § 3, 2006; Ord. NS-535 § 1, 2000)
21.85.030 Inclusionary housing requirement.
The inclusionary housing requirements of this chapter shall apply as follows:
A. This chapter shall apply to all residential market-rate dwelling units resulting from new construction of ownership units, including the conversion of apartments to condominiums and to new construction of rental units where the developer receives direct financial assistance, offsets, or any incentive of the type specified in density bonus law pursuant to the provisions of Chapter 21.86 of this code, and the developer agrees by contract to limit rents for below market-rate rental units. Any developer not receiving direct financial assistance, offsets, or other incentives may voluntarily agree to provide inclusionary rental units.
B. For any residential development or development revision of seven or more units as set forth in subsection A, not less than fifteen percent of the total units approved shall be constructed and restricted both as to occupancy and affordability to lower-income households.
C. For those developments which are required to provide ten or more units affordable to lower-income households, at least ten percent of the lower-income units shall have three or more bedrooms.
D. This chapter shall not apply to the following:
   1. Existing residences which are altered, improved, restored, repaired, expanded or extended, provided that the number of units is not increased, except that this chapter shall pertain to the subdivision of land for the conversion of apartments to condominiums;
   2. Conversion of a mobile home park pursuant to Section 21.37.120 of the code;
   3. The construction of a new residential structure which replaces a residential structure that was destroyed or demolished within two years prior to the application for a building permit for the new residential structure, provided that the number of residential units is not increased from the number of residential units of the previously destroyed or demolished residential structure;
   4. Any residential unit which is accessory as defined in Section 21.04.020 of this code;
   5. Second dwelling units not constructed to fulfill inclusionary housing requirements and developed in accordance with Section 21.10.030 of this code;
   6. Any project or portion of a project which is a commercial living unit as defined in Section 21.04.093 of this code;
   7. Any rental unit where the developer does not obtain direct financial assistance, offset, or any other incentive or concession of the type specified in density bonus law, although a mandatory density bonus may have been applied pursuant to the provisions of Chapter 21.86 of this code; and
   8. Those residential units which have obtained affordable housing approvals prior to the effective date of the ordinance codified in this chapter, as set forth in Section 21.85.160 of this chapter.

(Ord. CS-109 §§ IV—VI, 2010; Ord. NS-535 § 1, 2000)

21.85.035 New master plans or specific plans.
New master plans and specific plans shall submit an inclusionary housing plan as follows:
A. All master plans and specific plans approved on or after the effective date of the ordinance codified in this chapter are required by this chapter to provide an inclusionary housing plan within the master plan or specific plan document. This inclusionary housing plan will include appropriate text, maps, tables, or figures to establish the basic framework for implementing the requirements of this chapter. It shall establish, as a minimum, but not be limited to, the following:
   1. The number of market-rate units in the master plan or specific plan;
   2. The number of required inclusionary units for lower-income households over the entire master plan or specific plan;
3. The designated sites for the location of the inclusionary units, including but not limited to any sites for locating off-site inclusionary housing projects or combined inclusionary housing projects;

4. A general provision stipulating that an affordable housing agreement shall be made a condition of all future discretionary permits for development within the master or specific plan area such as tentative maps, parcel maps, planned unit developments and site development plans. The provision shall establish that all relevant terms and conditions of any affordable housing agreement shall be filed and recorded as a restriction on the project as a whole and those individual lots, units or projects which are designated as inclusionary units. The affordable housing agreement shall be consistent with Section 21.85.140 of this chapter.

B. The location and phasing of inclusionary dwelling units may be modified as a minor amendment to the master plan pursuant to Section 21.38.120 of this title if the city council authorizes such modifications when approving the master plan.

C. All existing master plans or specific plans proposed for major amendment, pursuant to Section 21.38.120 of this code, shall incorporate into the amended master plan or specific plan document an inclusionary housing plan, consistent with this section of this chapter. (Ord. NS-535 § 1, 2000)

21.85.040 Affordable housing standards.
The affordable housing standards are as follows:

A. All qualifying residential developments pursuant to Section 21.85.030(A) are subject to and must satisfy the inclusionary housing requirements of this chapter, notwithstanding a developer’s request to process a residential development under other program requirements, laws or regulations, including but not limited to Chapter 21.86 (Residential Density Bonus) of this code. If an applicant seeks to construct affordable housing to qualify for a density bonus in accordance with the provisions of Chapter 21.86 (Residential Density Bonus), those affordable dwelling units that qualify a residential development for a density bonus are in addition to, and do not count toward satisfying, the inclusionary housing requirements of this chapter.

B. Whenever reasonably possible, inclusionary units should be built on the residential development project site.

C. The required inclusionary units shall be constructed concurrently with market-rate units unless both the final decision-making authority of the city and developer agree within the affordable housing agreement to an alternative schedule for development.

D. Inclusionary rental units shall remain restricted and affordable to the designated income group for fifty-five years. In addition to the income of a targeted group, limitations on assets may also be used as a factor in determining eligibility for rental or ownership units. Notwithstanding anything to the contrary in this chapter, no inclusionary unit shall be rented for an amount which exceeds ninety percent of the actual rent charged for a comparable market unit in the same development, if any.

E. After the initial sale of the inclusionary ownership units at a price affordable to the target income level group, inclusionary ownership units shall remain affordable to subsequent income eligible buyers pursuant to a resale restriction with a term of thirty years or ownership units may be sold at a market price to other than targeted households provided that the sale shall result in the recapture by the city or its designee of a financial interest in the units equal to the amount of subsidy necessary to make the unit affordable to the designated income group and a proportionate share of any appreciation. Funds recaptured by the city shall be used in assisting other eligible households with home purchases at affordable prices. To the extent possible, projects using ownership units to satisfy inclusionary requirements shall be designed to be compatible with conventional mortgage financing programs including secondary market requirements.

F. Inclusionary units should be located on sites that are in proximity to or will provide access to employment opportunities, urban services, or major roads or other transportation and commuter rail facilities and that are compatible with adjacent land uses.
21.85.050 Calculating the required number of inclusionary units.
Subject to adjustments for an inclusionary credit, the required number of lower-income inclusionary units shall be fifteen percent of the total residential units, approved by the final decision-making authority. If the inclusionary units are to be provided within an off-site combined or other project, the required number of lower-income inclusionary units shall be fifteen percent of the total residential units to be provided both on-site and/or off-site. Subject to the maximum density allowed per the growth management control point or per specific authorization granted by the planning commission or city council, fractional units for both market rate and inclusionary units of 0.5 will be rounded up to a whole unit. If the rounding calculation results in a total residential unit count which exceeds the maximum allowed, neither the market rate nor the inclusionary unit count will be increased to the next whole number.

Example 1: Total residential units = fifteen percent inclusionary units plus eighty-five percent market-rate units. If the final decision-making authority approves one hundred total residential units, then the inclusionary requirement equals fifteen percent of the “total” or fifteen units (100 × .15 = 15). The allowable market-rate units would be eighty-five percent of the “total” or eighty-five units.

Example 2: If the inclusionary units are to be provided off-site, the total number of inclusionary units shall be calculated according to the total number of market-rate units approved by the final decision-making authority. If one hundred market-rate units are approved, then this total is divided by .85 which provides a total residential unit count (100 ÷ .85 = 117). The fifteen percent requirement is applied to this “total” (one hundred seventeen units) which equals the inclusionary unit requirement (117 × .15 = 17.6 units). (Ord. NS-794 § 5, 2006; Ord. NS-535 § 1, 2000)

21.85.060 Inclusionary credit adjustment.
Certain types of affordable housing are relatively more desirable in satisfying the city’s state-mandated affordable housing requirement as well as the city’s housing element goals, objectives and policies, and these may change over time.

To assist the city in providing this housing, developers may receive additional (more than one unit) credit for each of such units provided, thereby reducing the total inclusionary housing requirement to less than fifteen percent of all residential units approved. A schedule of inclusionary housing credit specifying how credit may be earned shall be adopted by the city council and made available to developers subject to this chapter. (Ord. NS-794 § 6, 2006; Ord. NS-535 § 1, 2000)

21.85.070 Alternatives to construction of inclusionary units.
Notwithstanding any contrary provisions of this chapter, at the sole discretion of the city council, the city may determine that an alternative to the construction of new inclusionary units is acceptable.
A. The city council may approve alternatives to the construction of new inclusionary units where the proposed alternative supports specific housing element policies and goals and assists the city in meeting its state housing requirements. Such determination shall be based on findings that new construction would be infeasible or present unreasonable hardship in light of such factors as project size, site constraints, market competition, price and product type disparity, developer capability, and financial subsidies available. Alternatives may include, but not be limited to, acquisition and rehabilitation of afford-
able units, conversion of existing market-rate units to affordable units, construction of special needs housing projects or programs (shelters, transitional housing, etc.), and the construction of second dwelling units.

B. Second dwelling units constructed to satisfy an inclusionary housing requirement shall be rent restricted to affordable rental rates, and renters shall be income-qualified, as specified in the applicable affordable housing agreement. In no event shall a developer be allowed to construct more than a total of fifteen second dwelling units in any given development, master plan, or specific plan, to satisfy an inclusionary requirement.

C. Contribution to a special needs housing project or program may also be an acceptable alternative based upon such findings. The requisite contribution shall be calculated in the same manner as an in-lieu fee per Section 21.85.110. (Ord. CS-109 § X, 2010; Ord. NS-535 § 1, 2000)

21.85.080 Combined inclusionary housing projects.
An affordable housing requirement may be satisfied with off-site construction as follows:

A. When it can be demonstrated by a developer that the goals of this chapter and the city’s housing element would be better served by allowing some or all of the inclusionary units associated with one residential project site to be produced and operated at an alternative site or sites, the resulting linked inclusionary project site(s) is a combined inclusionary housing project.

B. It is at the sole discretion of the city council to authorize the residential site(s) which form a combined inclusionary housing project. Such decision shall be based on findings that the combined project represents a more effective and feasible means of implementing this chapter and the goals of the city’s housing element. Factors to be weighed in this determination include: the feasibility of the on-site option considering project size, site constraints, competition from other projects, difficulty in integrating due to significant price and product type disparity, and lack of capacity of the on-site development entity to deliver affordable housing. Also to be considered are whether the off-site option offers greater feasibility and cost effectiveness, particularly regarding potential local public assistance and the city’s affordable housing financial assistance policy, location advantages such as proximity to jobs, schools, transportation, and services, diminished impact on other existing developments, capacity of the development entity to deliver the project, and satisfaction of multiple developer obligations that would be difficult to satisfy with multiple projects.

C. All agreements between parties to form a combined inclusionary housing project shall be made a part of the affordable housing agreement required for the site(s), which affordable housing agreement(s) shall be approved by council.

D. Location of the combined inclusionary housing project is limited to sites within the same city quadrant in which the market-rate units are located, or sites which are contiguous to the quadrant in which the market-rate units are proposed. (Ord. NS-535 § 1, 2000)

21.85.090 Creation of inclusionary units not required.
Inclusionary units created which exceed the final requirement for a project may, subject to city council approval in the affordable housing agreement, be utilized by the developer to satisfy other inclusionary requirements for which it is obligated or market the units to other developers as a combined project subject to the requirements of Section 21.85.080. (Ord. NS-535 § 1, 2000)

21.85.100 Offsets to the cost of affordable housing development.
A. The city shall consider making offsets available to developers when necessary to enable residential projects to provide a preferable product type or affordability in excess of the requirements of this chapter.
B. Offsets will be offered by the city to the extent that resources and programs for this purpose are available to the city and approved for such use by the city council, and to the extent that the residential development, with the use of offsets, assists in achieving the city’s housing goals. To the degree that the city makes available programs to provide offsets, developers may make application for such programs.

C. Evaluation of requests for offsets shall be based on the effectiveness of the offsets in achieving a preferable product type and/or affordability objectives as set forth within the housing element; the capability of the development team; the reasonableness of development costs and justification of subsidy needs; and the extent to which other resources are used to leverage the requested offsets.

D. Nothing in this chapter establishes, directly or through implication, a right to receive any offsets from the city or any other party or agency to enable the developer to meet the obligations established by this chapter.

E. Any offsets approved by the city council and the housing affordability to be achieved by use of those offsets shall be set out within the affordable housing agreement pursuant to Section 21.85.140 or, at the city’s discretion in a subsequent document.

F. Developers are encouraged to utilize local, state or federal assistance, when available, to meet the affordability standards set forth in Sections 21.85.030 and 21.85.040.

G. For development located in the coastal zone, any offset provided pursuant to this section shall be consistent with the applicable provisions of the certified Carlsbad Local Coastal Program Land Use Plan(s), with the exception of density. (Ord. NS-889 § 1, 2008; Ord. NS-794 § 7, 2006; Ord. NS-535 § 1, 2000)

21.85.110 In-lieu fees.

Payment of a fee in lieu of construction of affordable units may be appropriate in the following circumstances:

A. For any qualifying residential development or development revision pursuant to Section 21.85.030(A) of less than seven units, the inclusionary requirements may be satisfied through the payment to the city of an in-lieu fee.

B. The in-lieu fee to be paid for each market-rate dwelling unit shall be fifteen percent of the subsidy needed to make affordable to a lower-income household one newly constructed, typical attached-housing unit. This subsidy shall be based upon the city council’s determination of the average subsidy that would be required to make affordable typical, new two-bedroom/one-bath and three-bedroom/two-bath ownership units and rental units, each with an assumed affordability tenure of at least fifty-five years.

C. The dollar amount and method of payment of the in-lieu fees shall be fixed by a schedule adopted, from time to time, by resolution of the city council. Said fee shall be assessed against the market-rate lots/units of a development.

D. All in-lieu fees collected hereunder shall be deposited in a housing trust fund. Said fund shall be administered by the city and shall be used only for the purpose of providing funding assistance for the provision of affordable housing and reasonable costs of administration consistent with the policies and programs contained in the housing element of the general plan.

E. At the discretion of the city council, where a developer is authorized to pay a fee in lieu of development, an irrevocable dedication of land or other non-monetary contribution of a value not less than the sum of the otherwise required in-lieu fee may be accepted as an alternative to paying the in-lieu fee if it is determined that the non-monetary contribution will be effectual in furthering the goals and policies of the housing element and this chapter. The valuation of any land offered in-lieu shall be determined by an appraisal made by an agent mutually agreed upon by the city and the developer. Costs associated with the appraisal shall be borne by the developer.
F. Where a developer is authorized to pay a fee in lieu of development of affordable housing units, any approvals shall be conditioned upon a requirement to pay the in-lieu fee in an amount established by resolution of the city council in effect at the time of payment.

G. As an alternative to paying an in-lieu fee(s), inclusionary housing requirements may be satisfied either through a combined inclusionary housing project, pursuant to Section 21.85.080 of this chapter or new construction of inclusionary units subject to approval of the final decision-making authority. (Ord. CS-109 §§ XI, XII, 2010; Ord. NS-535 § 1, 2000)

21.85.120 Collection of fees.
All fees collected under this chapter shall be deposited into a housing trust fund and shall be expended only for the affordable housing needs of lower-income households, and reasonable costs of administration consistent with the purpose of this chapter. (Ord. NS-535 § 1, 2000)

21.85.130 Preliminary project application and review process.
The preliminary project application/review process shall be as follows:

A. A developer of a residential development not subject to a master plan or specific plan, proposing an inclusionary housing project shall have an approved site development plan prior to execution of an affordable housing agreement for the project. The developer may submit a preliminary application to the housing and neighborhood services director prior to the submittal of any formal applications for such housing development. The preliminary application shall include the following information if applicable:

1. A brief description of the proposal including the number of inclusionary units proposed;
2. The zoning, general plan designations and assessor's parcel number(s) of the project site;
3. A site plan, drawn to scale, which includes: building footprints, driveway and parking layout, building elevations, existing contours and proposed grading; and
4. A letter identifying what specific offsets and/or adjustments are being requested of the city. Justification for each request should also be included.

B. Within thirty days of receipt of the preliminary application for projects not requesting offsets or inclusionary credit adjustments, or ninety days for projects requesting offsets or inclusionary credit adjustments, the department shall provide to an applicant, a letter which identifies project issues of concern, the offsets and inclusionary credit adjustments that the community and economic development director can support when making a recommendation to the final decision-making authority, and the procedures for compliance with this chapter. The applicant shall also be provided with a copy of this chapter and related policies, the pertinent sections of the California codes to which reference is made in this chapter and all required application forms. (Ord. CS-164 §§ 12, 14, 2011; Ord. NS-794 § 8, 2006; Ord. NS-535 § 1, 2000)

21.85.140 Affordable housing agreement as a condition of development.
This chapter requires the following:

A. Developers subject to this chapter shall demonstrate compliance with this chapter by executing an affordable housing agreement prepared by the city housing and neighborhood services director and submitted to the developer for execution. Agreements which conform to the requirements of this section and which do not involve requests for offsets and/or an inclusionary credit, other than those permitted by right, if any, shall be reviewed by the affordable housing policy team and approved by the community and economic development director or designee. Agreements which involve requests for offsets and/or an inclusionary credit, other than those permitted by right, shall require the recommendation of the housing commission and action by the city council as the final decision-maker. Following the approval and execution by all parties, the affordable housing agreement with approved site development plan shall be recorded against the entire development, including market-rate lots/units and the relevant
terms and conditions therefrom filed and subsequently recorded as a separate deed restriction or regulatory agreement on the affordable project individual lots or units of property which are designated for the location of affordable units. The approval and execution of the affordable housing agreement shall take place prior to final map approval and shall be recorded upon final map recordation or, where a map is not being processed, prior to the issuance of building permits for such lots/units. The affordable housing agreement may require that more specific project and/or unit restrictions be recorded at a future time. The affordable housing agreement shall bind all future owners and successors in interest for the term of years specified therein.

B. An affordable housing agreement, for which the inclusionary housing requirement will be satisfied through new construction of inclusionary units, either on-site or off-site, shall establish, but not be limited to, the following:

1. The number of inclusionary dwelling units proposed, with specific calculations detailing the application of any inclusionary credit adjustment;
2. The unit square footage, and number of bedrooms;
3. The proposed location of the inclusionary units;
4. Amenities and services provided, such as daycare, after school programs, transportation, job training/employment services and recreation;
5. Level and tenure of affordability for inclusionary units;
6. Schedule for production of dwelling units;
7. Approved offsets provided by the city;
8. Where applicable, requirements for other documents to be approved by the city, such as marketing, leasing and management plans; financial assistance/loan documents; resale agreements; and monitoring and compliance plans;
9. Where applicable, identification of the affordable housing developer and agreements specifying their role and relationship to the project.

C. An affordable housing agreement, for which the inclusionary housing requirement will be satisfied through payment to the city of any in-lieu contributions other than fee monies, such as land dedication, shall include the method of determination, schedule and value of total in-lieu contributions.

D. An affordable housing agreement will not be required for projects which will be satisfying their inclusionary housing requirement through payment to the city of an in-lieu fee. (Ord. CS-164 §§ 12, 14, 2011; Ord. NS-794 §§ 9, 10, 2006; Ord. NS-535 § 1, 2000)

21.85.145 Agreement processing fee.
The city council may establish by resolution, fees to be paid by the developer at the time of preliminary project application to defray the city’s cost of preparing and/or reviewing all inclusionary housing agreements. (Ord. NS-535 § 1, 2000)

21.85.150 Agreement amendments.
Any amendment to an affordable housing agreement shall be processed in the same manner as an original application for approval, except as authorized in Section 21.85.035(B). Amendments to affordable housing agreements initially approved prior to the effective date of the ordinance codified in this chapter shall be entitled to consideration under the ordinance provisions superseded by the ordinance codified in this chapter. (Ord. NS-535 § 1, 2000)

21.85.155 Expiration of affordability tenure.
The city or its designee shall have a one-time first right of refusal to purchase any project containing affordable units offered for sale at the end of the minimum tenure of affordability for rental projects. The first right
of refusal to purchase the rental project shall be submitted in writing to the housing and neighborhood services director. Within ninety days of its receipt, the city shall indicate its intent to exercise the first right of refusal for the purpose of providing affordable housing. (Ord. CS-164 § 12, 2011; Ord. NS-535 § 1, 2000)

21.85.160 Pre-existing approvals.
Any residential developments for which a site development plan for the affordable housing component of the development was approved prior to the effective date of the ordinance codified in this chapter shall be subject to the ordinance in effect at the time of the approval. (Ord. NS-535 § 1, 2000)

21.85.170 Enforcement.
Enforcement provisions are as follows:

A. The provisions of this chapter shall apply to all developers and their agents, successors and assigns proposing a qualifying residential development governed by this chapter pursuant to Section 21.85.030(A). No building permit or occupancy permit shall be issued, nor any entitlement granted, for a project which is not exempt and does not meet the requirements of this chapter. All inclusionary units shall be rented or owned in accordance with this chapter.

B. The city may institute any appropriate legal actions or proceedings necessary to ensure compliance with this chapter, including but not limited to actions to revoke, deny or suspend any permit or development approval.

C. Any individual who sells or rents a restricted unit in violation of the provisions of this chapter shall be required to forfeit all monetary amounts so obtained. Such amounts shall be added to the city’s housing trust fund. (Ord. CS-109 § XIII, 2010; Ord. NS-535 § 1, 2000)

21.85.180 Savings clause.
All code provisions, ordinances, and parts of ordinances in conflict with the provisions of this chapter are repealed. The provisions of this chapter, insofar as they are substantially the same as existing code provisions relating to the same subject matter shall be construed as restatements and continuations thereof and not as new enactments. With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of the ordinance codified in this chapter, under any chapter, ordinance, or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal. (Ord. NS-535 § 1, 2000)

21.85.190 Severability.
If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. CS-109 § XIV, 2010; Ord. NS-535 § 1, 2000)

21.85.195 Fee deferral.
Notwithstanding anything in this chapter to the contrary, all housing in-lieu and housing impact fees for any residential development that consists of five or more dwelling units shall only be paid prior to building permit issuance, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant.

The amount of the fees shall be based on the fees in effect at the time of the request for the final inspection, not the time of building permit issuance.

In the event that the city, for any reason, fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or the property owner. (Ord. CS-271 § V, 2015; Ord. CS-200 § V, 2013)
Chapter 21.86

RESIDENTIAL DENSITY BONUS AND INCENTIVES OR CONCESSIONS*

Sections:
21.86.010 Purpose and intent.
21.86.020 Definitions.
21.86.030 Inclusionary housing.
21.86.040 Density bonus for housing developments.
21.86.050 Incentives and concessions for housing developments.
21.86.060 Waiver or reduction of development standards.
21.86.070 Density bonus and incentives for condominium conversions.
21.86.080 Housing developments with child day care centers.
21.86.090 Density bonus housing standards.
21.86.100 Affordability tenure.
21.86.110 Application process.
21.86.120 Findings for approval.
21.86.130 Density bonus housing agreement.
21.86.140 Agreement processing fee.
21.86.150 Severability.


21.86.010 Purpose and intent.
A. The public good is served when there exists in a city, housing which is appropriate for the needs of and affordable to all members of the public who reside within that city. Among other needs, there is in Carlsbad a need for housing affordable to lower-income households and senior citizens. Therefore, it is in the public interest for the city to promote the construction of such additional housing through the exercise of its powers and the utilization of its resources.

B. It is the purpose of this chapter to provide a means for granting density bonuses and incentives or concessions to developers for the production of housing affordable to lower- and moderate-income households, and senior citizens.

C. It is the purpose of this chapter to implement the goals, objectives and policies of the housing element of the city’s general plan.

D. It is the purpose of this chapter to implement Sections 65915 through 65918 of the California Government Code.

E. Nothing in this chapter is intended to create a mandatory duty on behalf of the city or its employees under the Government Tort Claims Act and no cause of action against the city or its employees is created by this chapter that would not arise independently of the provisions of this chapter.

F. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act. (Ord. CS-242 § 3, 2014; Ord. NS-794 § 11, 2006)

21.86.020 Definitions.
A. Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

1. “Affordable housing” means housing for which the allowable housing expenses paid by a qualifying household shall not exceed a specified fraction of the county median income, adjusted for household size, as follows:
a. Extremely low-income, rental and for-sale units: the product of thirty percent times thirty percent of the county median income, adjusted for household size.

b. Very low-income, rental and for-sale units: the product of thirty percent times fifty percent of the county median income, adjusted for household size.

c. Low-income, rental units: the product of thirty percent times sixty percent of the county median income, adjusted for household size.

d. Low-income, for-sale units: the product of thirty percent times seventy percent of the county median income, adjusted for household size.

e. Moderate-income, for-sale units: allowable housing expenses shall not be less than twenty-eight percent of the gross income of the household, nor exceed the product of thirty-five percent times one hundred ten percent of the county median income, adjusted for household size.

2. “Allowable housing expense” means the total monthly or annual recurring expenses required of a household to obtain shelter. For a for-sale unit, allowable housing expenses include loan principal and interest at the time of initial purchase by the homebuyer, allowances for property and mortgage insurance, property taxes, homeowners’ association dues and a reasonable allowance for utilities as defined by the Code of Federal Regulations (24CFR982). For a rental unit, allowable housing expenses include rent and a utility allowance as established and adopted by the City of Carlsbad housing authority, as well as all monthly payments made by the tenant to the lessor in connection with use and occupancy of a housing unit and land and facilities associated therewith, including any separately charged fees, utility charges, or service charges assessed by the lessor and payable by the tenant.

3. “Child day care center” shall have the same meaning as defined in Section 21.83.020(D) of this title.

4. “Common interest development” means any of the following (as defined in Section 4100 of the California Civil Code):
   a. A community apartment project;
   b. A condominium project;
   c. A planned development;
   d. A stock cooperative.

5. “Conversion” means the change of occupancy of a dwelling unit from owner-occupied to rental or vice versa.

6. “Density bonus” means an increase over the maximum allowable residential density as specified by the land use element of the general plan in effect at the time of application submittal.

7. “Density bonus dwelling units” means those residential units granted pursuant to the provisions of this chapter, which are above the maximum allowable residential density of the project site.

8. “Density bonus housing agreement” means a legally binding agreement between a developer and the city to ensure that the density bonus requirements of this chapter are satisfied. The agreement establishes, among other things, the number of target dwelling units and density bonus dwelling units, the unit sizes, location, affordability tenure, terms and conditions of affordability and unit production schedule.

9. “Development standard” means a site or construction condition/requirement that applies to a housing development pursuant to any ordinance, general plan element, master or specific plan, or other city requirement, law, policy, resolution or regulation. A “development standard” may include, but is not limited to a height limitation, a setback requirement, a floor area ratio, an onsite open space requirement or a parking ratio.
10. “Extremely low-income household” means those households whose gross income is equal to or less than thirty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development.

11. “Housing development” means a development project for five or more residential units, including the following:
   a. A subdivision or common interest development consisting of residential units or unimproved lots; or
   b. A project to either substantially rehabilitate and convert an existing commercial building to residential use; or
   c. A project to substantially rehabilitate an existing two-family or multiple-family dwelling structure(s), where the rehabilitation results in a net increase to five or more available residential units.

12. “Incentives or concessions” means such regulatory incentives or concessions as stipulated in California Government Code Section 65915(k), to include, but not be limited to, the reduction of site development standards or zone code requirements, approval of mixed use zoning in conjunction with the housing project, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions to enable the provision of housing affordable to the designated income group or qualified (senior) resident.

13. “Income” means any monetary benefits that qualify as income in accordance with the criteria and procedures used by the City of Carlsbad housing and neighborhood services department for the acceptance of applications and recertifications for the tenant based rental assistance program, or its successor.

14. “Low-income household” means those households whose gross income is more than fifty percent but does not exceed eighty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development.

15. “Lower-income household” means low-income, very low-income and extremely low-income households, whose gross income does not exceed eighty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development.

16. “Market-rate unit” means a dwelling unit where the rental rate or sales price is not restricted either by this chapter or by requirements imposed through other local, state or federal affordable housing programs.

17. “Maximum allowable residential density” means the maximum density of the density range allowed by the residential general plan land use designation(s) applicable to a project site. All environmentally constrained lands identified as undevelopable in the general plan, local coastal program, and zoning ordinance shall be excluded from the total area of the project site when calculating maximum density.

18. “Moderate-income household” means those households whose gross income is more than eighty percent but does not exceed one hundred twenty percent of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development.

19. “Qualifying resident” means a resident as defined in Chapter 21.84 of this title and Section 51.2 of the California Civil Code.

20. “Target dwelling unit” means a dwelling unit that will be offered for rent or sale exclusively to and which shall be affordable to the designated income group or qualified (senior) resident, as required by this chapter.

21. “Total units” means the number of dwelling units in a housing development, excluding the density bonus dwelling units awarded pursuant to this chapter or any other local ordinance granting a greater density bonus.
“Very low-income household” means a household earning a gross income equal to fifty percent or less of the median income for San Diego County as determined annually by the U.S. Department of Housing and Urban Development. (Ord. CS-242 § 4, 2014; Ord. CS 164 § 12, 2011; Ord. NS-889 § 2, 2008; Ord. NS-794 § 11, 2006)

21.86.030 Inclusionary housing.
All housing development projects are required to provide affordable housing units in accordance with Chapter 21.85 (Inclusionary Housing) of this title. If an applicant seeks to construct affordable housing to qualify for a density bonus in accordance with the provisions of this chapter, those affordable dwelling units provided to meet the inclusionary requirement established pursuant to Chapter 21.85 of this title shall be counted toward satisfying the density bonus requirements of this chapter. (Ord. CS-242 § 5, 2014; Ord. NS-794 § 11, 2006)

21.86.040 Density bonus for housing developments.
A. The decision-making body shall grant one density bonus, as specified in subsection B of this section, and incentives or concessions, as set forth in Section 21.86.050 of this chapter, when an applicant of a housing development of at least five units seeks and agrees to construct at least any one of the following:
   1. A minimum of ten percent of the total units of the housing development as restricted and affordable to lower-income households;
   2. A minimum of five percent of the total units of the housing development as restricted and affordable to very low-income households;
   3. A senior citizen housing development as defined in Section 21.84.030(A)(7) of this title and Section 51.3 of the California Civil Code, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code; or
   4. A minimum of ten percent of the total units in a common interest development restricted and affordable to moderate-income households, provided that all units in the development are offered to the public for purchase.

B. When an applicant seeks and agrees to construct a housing development meeting the criteria specified in subsection A of this section, the decision-making body shall grant a density bonus subject to the following:
   1. The amount of density bonus to which a housing development is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages established in subsection A of this section, as follows:
      a. For housing developments meeting the criteria of subsection (A)(1) of this section, the density bonus shall be calculated as follows:
Table A
Density Bonus for Housing Developments with Units Affordable to Low-Income Households

<table>
<thead>
<tr>
<th>Percentage of Low-Income Units (Minimum 10% required)</th>
<th>Percentage of Density Bonus to be Granted (Additional 1.5% density bonus for each 1% increase above the 10% minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
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<td>11</td>
<td>21.5</td>
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<td>19</td>
<td>33.5</td>
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</tbody>
</table>

b. For housing developments meeting the criteria of subsection (A)(2) of this section, the density bonus shall be calculated as follows:

Table B
Density Bonus for Housing Developments with Units Affordable to Very Low-Income Households

<table>
<thead>
<tr>
<th>Percentage of Very Low-Income Units</th>
<th>Percentage of Density Bonus to be Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>20</td>
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</table>

c. For housing developments meeting the criteria of subsection (A)(3) of this section, the density bonus shall be twenty percent of the number of senior housing units.

d. For housing developments meeting the criteria of subsection (A)(4) of this section, the density bonus shall be calculated as follows:

Table C
Density Bonus for Common Interest Developments with Units Affordable to Moderate-Income Households

<table>
<thead>
<tr>
<th>Percentage of Moderate-Income Units</th>
<th>Percentage of Density Bonus to be Granted</th>
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<tbody>
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</table>
2. The amount of density bonus to which a housing development is entitled shall not exceed thirty-five percent.

3. The applicant may elect to accept a lesser percentage of density bonus than specified in subsection B of this section.

4. If a housing development includes a combination of target dwelling unit types that meet two or more of the criteria specified in subsection A of this section, the applicant shall elect one applicable density bonus.

C. When an applicant for a tentative subdivision map, parcel map, or other housing development approval donates land to the city, in accordance with this subsection, the applicant shall be entitled to a density bonus for the entire development, as follows:

<table>
<thead>
<tr>
<th>Percentage of Very Low-Income Units</th>
<th>Percentage of Density Bonus to be Granted</th>
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<tbody>
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</table>

Table D
Density Bonus for Land Donation
1. A density bonus granted pursuant to this subsection shall not exceed thirty-five percent.

2. If an applicant seeks both the density bonus pursuant to this subsection and subsection A of this section, both density bonuses shall be granted up to a maximum combined density bonus of thirty-five percent.

3. An applicant shall be eligible for the density bonus described in this subsection only if all of the following conditions are met:
   a. The land is donated and transferred to the city no later than the date of approval of the final subdivision map, parcel map or housing development application.
   b. The developable acreage, zoning classification and general plan land use designation of the land being donated are sufficient to permit construction of the units affordable to very low-income households in an amount not less than ten percent of the number of residential units of the proposed development.
   c. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, and has the appropriate: 1) general plan land use designation; 2) zoning classification with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of the California Government Code, and 3) is or will be served by adequate public facilities and infrastructure.
   d. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or housing development, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of the California Government Code if the design is not reviewed by the city prior to the time of transfer.
   e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 21.86.100 of this chapter, which shall be recorded on the property at the time of the transfer.
   f. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.
   g. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.
   h. Prior to the approval of the final subdivision map, parcel map or housing development application, the developer shall identify a proposed source of funding for the very low income units.

D. In cases where an applicant requests a density bonus of more than what is specified in this section, the city council may grant the requested additional density bonus, subject to the following:
   1. The project meets the requirements of this chapter.
2. The additional density bonus shall be considered an incentive, in accordance with Section 21.86.050 of this chapter.

3. The city council may require some portion of the additional density bonus units to be designated as target dwelling units.

E. The city council may grant a proportionately lower density bonus than what is specified by this section for developments that do not meet the requirements of this chapter.

F. The density bonus dwelling units granted pursuant to this chapter shall not be included when determining the number of housing units required by this chapter to be reserved for income-restricted households.

G. When calculating the density bonus, or the required number of target dwelling units, any calculations resulting in fractional units shall be rounded up to the next whole unit.

H. For the purposes of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application in a housing development, but do not have to be based upon individual subdivision maps or parcels.

I. The density bonus units shall be permitted in geographic areas of the housing development other than the areas where the units for lower-income households are located.

J. A density bonus housing agreement shall be made a condition of the discretionary permits (i.e., tentative maps, parcel maps, planned unit developments, condominium permits, site development plans and redevelopment permits) for all housing developments that request a density bonus and incentives or concessions. The relevant terms and conditions of the density bonus housing agreement shall be filed and recorded as a deed restriction on those individual lots or units of a project development which are designated for the location of target dwelling units. The density bonus housing agreement shall be consistent with Section 21.86.130 of this chapter. (Ord. CS-242 §§ 6—8, 2014; Ord. NS-794 § 11, 2006)

21.86.050 Incentives and concessions for housing developments.

A. When an applicant requests a density bonus pursuant to Section 21.86.040(A) of this chapter, the decision-making body shall grant incentives or concessions, subject to the following:

1. An applicant shall submit a proposal for any specific incentives or concessions requested pursuant to this section.

2. The decision-making body shall grant the incentive(s) or concession(s) requested by the applicant unless, based upon substantial evidence, any of the following findings are made in writing:
   a. The incentive or concession is not required in order to provide for affordable housing as defined in Section 21.86.020(A)(1) of this chapter.
   b. The incentive or concession would have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. As used in this paragraph, and as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, a “specific, adverse impact” means a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
   c. The incentive or concession would be contrary to state or federal law.

3. The applicant shall receive the following number of incentives or concessions:
   a. One incentive or concession for projects that include at least ten percent of the total units for lower-income households, at least five percent for very low-income households, or at least
ten percent for persons and families of moderate income in a common interest development.

b. Two incentives or concessions for projects that include at least twenty percent of the total units for lower-income households, at least ten percent for very low-income households, or at least twenty percent for persons and families of moderate income in a common interest development.

c. Three incentives or concessions for projects that include at least thirty percent of the total units for lower-income households, at least fifteen percent for very low-income households, or at least thirty percent for persons and families of moderate income in a common interest development.

4. An incentive or concession may include any of the following:
   a. A reduction in site development standards or a modification of zoning code or architectural design requirements (excluding state building standards), that results in identifiable, financially sufficient and actual cost reductions. A reduction/modification to standards or requirements may include, but is not limited to, a reduction in minimum lot size, setback requirements, and/or in the ratio of vehicular parking spaces that would otherwise be required.
   b. Approval of mixed use zoning in conjunction with the housing development if: i) commercial, office, industrial or other land uses will reduce the cost of the housing development; and ii) the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned future development in the area where the proposed project will be located.
   c. Other regulatory incentives or concessions that result in identifiable, financially sufficient and actual cost reductions.
   d. The city council may, but is not required to, provide direct financial incentives, including the provision of publicly owned land, or the waiver of fees or dedication requirements.

5. The applicant shall show that the requested incentive(s) or concession(s) will result in identifiable, financially sufficient, and actual cost reductions. (Ord. CS-242 § 9, 2014; Ord. NS-794 § 11, 2006)

21.86.060 Waiver or reduction of development standards.
A. In addition to the incentives or concessions permitted by Section 21.86.050 of this chapter, an applicant may seek a waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development meeting the criteria of Section 21.86.040(A) of this chapter at the densities or with the incentives or concessions permitted by this chapter.
   1. The applicant shall provide evidence that the development standard(s) requested to be waived or reduced will have the effect of physically precluding the construction of a housing development at the densities or with the incentives or concessions permitted by this chapter.
   2. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 21.86.050 of this chapter.

B. The decision-making body shall grant the requested waiver or reduction of development standards, unless, based upon substantial evidence, any of the following findings are made in writing:
   1. The development standard(s) requested to be waived or reduced will not have the effect of physically precluding the construction of a housing development at the densities or with the incentives or concessions permitted by this chapter.
   2. The requested waiver or reduction of development standards would have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is
listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. As used in this subsection, and as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

3. The waiver or reduction of development standards would be contrary to state or federal law. (Ord. CS-242 § 10, 2014; Ord. NS-794 § 11, 2006)

21.86.070 Density bonus and incentives for condominium conversions.

A. When an applicant proposes to convert apartments to condominiums, the decision-making body shall grant either a density bonus or other incentives of equivalent financial value, as set forth in Section 21.86.050(A) of this chapter, if the applicant agrees to provide the following:

1. A minimum of thirty-three percent of the total units of the proposed condominium conversion project as restricted and affordable to low-income or moderate-income households; or

2. A minimum of fifteen percent of the total units of the proposed condominium conversion project as restricted and affordable to lower-income households.

B. For purposes of this section “density bonus” means an increase in units of twenty-five percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

C. For purposes of this section, “other incentives of equivalent financial value” shall not be construed to require the city to provide monetary compensation, but may include the waiver or reduction of requirements that might otherwise apply to the proposed condominium conversion project.

D. The density bonus dwelling units shall not be included when determining the number of housing units required to be reserved for income-restricted households.

E. When calculating the density bonus, or the required number of target dwelling units, any calculations resulting in fractional units shall be rounded up to the next whole unit.

F. Nothing in this section shall be construed to require that the city approve a proposal to convert apartments to condominiums.

G. An applicant/developer proposing to convert apartments to condominiums shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Sections 21.86.040 and 21.86.050 of this chapter.

H. A density bonus housing agreement shall be made a condition of the discretionary permits (tentative maps, parcel maps, planned unit developments and condominium permits) for all condominium conversion proposals that request a density bonus or other incentives. The relevant terms and conditions of the density bonus housing agreement shall be filed and recorded as a deed restriction on those individual lots or units of a project development which are designated for the location of target dwelling units. The density bonus housing agreement shall be consistent with Section 21.86.130 of this chapter. (Ord. NS-794 § 11, 2006)

21.86.080 Housing developments with child day care centers.

A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 21.86.040(A) of this chapter, and includes a child day care center that will be located on the premises of, as part of, or adjacent to, the project, the following provisions shall apply:

1. The decision-making body shall grant either of the following:
a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child day care center; or

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child day care center.

2. The decision-making body shall require, as a condition of approval of the housing development, that the following occur:

a. The child day care center shall remain in operation for a period of time that is as long as or longer than the period of time during which the target dwelling units are required to remain affordable, pursuant to Section 21.86.100 of this chapter; and

b. Of the children who attend the child day care center, the children of very low-, lower-, or moderate-income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-, lower-, or moderate-income households pursuant to Section 21.86.040(A) of this chapter.

3. Notwithstanding any requirement of this section, the decision-making body shall not be required to provide an additional density bonus, incentive or concession for a child day care center if it finds, based on substantial evidence, that the community has an adequate number of child day care centers. (Ord. NS-794 § 11, 2006)

21.86.090 Density bonus housing standards.

A. Required target dwelling units shall be constructed concurrent with market-rate dwelling units unless both the final decision-making authority of the city and the developer/applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. Whenever feasible, target dwelling units and density bonus dwelling units should be built on-site (within the boundary of the proposed development) and, whenever reasonably possible, be distributed throughout the project site.

C. Whenever feasible, target dwelling units should be located on sites that are in proximity to, or will provide access to, employment opportunities, urban services, or major roads or other transportation and commuter rail facilities (i.e., freeways, bus lines) and that are compatible with adjacent land uses.

D. Whenever feasible, target dwelling units should vary in size and number of bedrooms, in response to affordable housing demand priorities of the city.

E. Density bonus projects shall comply with all applicable development standards, except those which may be modified as an incentive or concession, or as otherwise provided for in this chapter. In addition, all units must conform to the requirements of the applicable building and housing codes. The design of the target dwelling units shall be reasonably consistent or compatible with the design of the total project development in terms of appearance, materials and finished quality.

F. No building permit shall be issued, nor any development approval granted, for a development which does not meet the requirements of this chapter. No target dwelling unit shall be rented or sold except in accordance with this chapter.

G. Upon the request of the applicant, the parking ratio (inclusive of handicap and guest parking) for a housing development that conforms to the requirements of Section 21.86.040(A) of this chapter shall not exceed the ratios specified in Table E, below. If the applicant does not request the parking ratios specified in Table E or the project does not conform to the requirements of Section 21.86.040(A) of this chapter, the parking standards specified in Chapter 21.44 of this code shall apply.

1. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

2. For purposes of this section, a housing development may provide “on-site” parking through tandem parking or uncovered parking, but not through on-street parking.
3. The applicant may request parking incentives or concessions beyond those provided in this section, subject to the findings specified in Section 21.86.050(A)(2) of this chapter.

Table E
Parking Ratio for Housing Developments

<table>
<thead>
<tr>
<th>Dwelling Unit Size</th>
<th>On-Site Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 bedrooms</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>2-3 bedrooms</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>4 or more bedrooms</td>
<td>2.5 spaces per unit</td>
</tr>
</tbody>
</table>

(Ord. CS-242 § 11, 2014; Ord. NS-794 § 11, 2006)

21.86.100 Affordability tenure.

A. All low- and very low-income dwelling units that qualified the housing project for a density bonus shall remain restricted and affordable to the designated group for a period of at least thirty years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

B. All moderate-income dwelling units directly related to the receipt of a density bonus for a common interest development shall be subject to the following:

1. The initial occupant(s) of the target dwelling unit(s) shall be persons and families of moderate income, and the units shall be offered at an affordable housing cost that does not exceed the allowable housing expenses for a moderate-income household.

2. Unless in conflict with the requirements of another public funding source or law, the target dwelling unit(s) shall be subject to an equity sharing agreement that specifies:

   a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation.

   b. Upon resale, the city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

      i. For the purposes of this subsection, the city’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

      ii. For the purposes of this subsection, the city’s proportionate share of appreciation shall be equal to the ratio of the city’s initial subsidy to the fair market value of the home at the time of initial sale.

3. If the city provides a direct financial contribution to a common interest development through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the target dwelling unit(s) shall remain affordable to the designated income group for at least thirty years.

C. For rental projects, the city or its designee shall have a one-time first right of refusal to purchase any project containing affordable units offered for sale at the end of the minimum tenure of affordability. The first right of refusal to purchase the rental project shall be submitted in writing to the housing and neighborhood services director. Within ninety days of its receipt, the city shall indicate its intent to exercise the first right of refusal for the purpose of providing affordable housing. (Ord. CS-242 § 12, 2014; Ord. CS-164 § 12, 2011; Ord. NS-794 § 11, 2006)
21.86.110  Application process.
A.  The granting of a density bonus, incentive or concession, pursuant to this chapter, shall not be interpreted, in and of itself, to require a general plan amendment, zone code amendment, local coastal plan amendment, zone change or other discretionary approval.
B.  Preliminary Application. A preliminary application may be submitted prior to the submittal of any formal development application for a housing project that includes a request for a density bonus, incentive(s) or concession(s). The preliminary application should include the following information:
   1. A brief description of the proposal including the number of target dwelling units and density bonus units proposed;
   2. The zoning, general plan designations and assessors parcel number(s) of the project site;
   3. A site plan, drawn to scale, which includes: building footprints, driveway and parking layout, existing contours and proposed grading;
   4. A letter identifying what specific density bonus, incentives or concessions (e.g., standards modifications, additional density bonus, or fee waiver, etc.) are being requested of the city; and
   5. The planning division shall provide to an applicant/developer, a letter that identifies project issues of concern and the procedures for compliance with this chapter.
C.  Formal Application. A request for a density bonus, incentive(s) or concession(s), pursuant to this chapter, does not require a discretionary approval. The request shall be processed as part of the development applications for a housing development, as otherwise required in other sections of this code (e.g., site development plan, tentative map, parcel map, planned unit development, conditional use permit, redevelopment permit, etc.).
   1. If the project involves a request for direct financial incentives from the city, then any action by the planning commission on the application shall be advisory only, and the city council shall have the authority to make the final decision on any discretionary permits related to the project.
   2. The following information shall be included with the development application(s) required for the project:
      a. A legal description of the total site proposed for development of the target dwelling units including a statement of present ownership and present and proposed zoning;
      b. A letter signed by the present owner stating what specific density bonus, incentives, or concessions (e.g., standards modifications, additional density bonus, or fee waiver, etc.) are being requested from the city;
      c. A detailed vicinity map showing the project location and such details as the location of the nearest commercial retail, transit stop, potential employment locations, park or recreation facilities or other social or community service facilities;
      d. Site plans, designating the total number of units proposed on the site, including the number and location of target dwelling units and density bonus dwelling units, and supporting plans per the application submittal requirements;
      e. In the case of a request for any incentive(s) or concession(s), a pro forma for the proposed project to justify the request, in accordance with the provisions of Section 21.86.050 of this chapter;
      f. In the case of a request for a waiver or reduction of development standards, pursuant to Section 21.86.060 of this chapter, evidence that the development standard being waived or reduced will have the effect of physically precluding the construction of the development at the densities or with the concessions or incentives permitted by this chapter;
      g. In the case of a condominium conversion request, a report documenting the following information for each unit proposed to be converted:
21.86.120 Findings for approval.
A. When a project involves a request for a density bonus, incentive(s) or concession(s), the following findings shall be made as part of the approval of the development application(s) required for the project:

1. The project is consistent with the provisions of this chapter.

2. The requested incentive(s) or concession(s) will result in identifiable, financially sufficient, and actual cost reductions.

3. In cases where an applicant requests a waiver or reduction of development standards, pursuant to Section 21.86.060, the requested waiver or reduction of development standard(s) is necessary to avoid physically precluding the construction of a housing development at the densities or with the incentives or concessions permitted by this chapter.

4. The requested incentive(s) or concession(s), and/or waiver(s) or reduction(s) of development standards, if any, will not result in an adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, to the public health and safety, the environment, or on any real property that is listed in the California Register of Historical Resources; or, if the request will result in an adverse impact, then the request may be approved if the following finding is made:
   a. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

5. In cases where an applicant requests to convert apartment units to condominiums, the condominium conversion project shall not result in a reduction in the affordable housing stock for lower-income groups, as of most recent inventory.

6. For development located in the coastal zone, the requested density bonus, and any requested incentive(s), concession(s), and/or waiver(s) or reduction(s) of development standards, are consistent with all applicable requirements of the certified Carlsbad Local Coastal Program Land Use Plan(s), with the exception of density.

7. The requested incentive(s) or concession(s), and/or waiver(s) or reduction(s) of development standards would be contrary to state or federal law. (Ord. CS-242 §§ 14, 15, 2014; Ord. NS-889 § 3, 2008; Ord. NS-794 § 11, 2006)

21.86.130 Density bonus housing agreement.
A. Applicants/developers, requesting a density bonus, incentives or concessions pursuant to this chapter, shall demonstrate compliance with this chapter by executing a density bonus housing agreement prepared by the city housing and neighborhood services director and submitted to the developer for signature.

B. Density bonus housing agreements for projects involving a request for direct financial incentives from the city shall be subject to city council approval; otherwise, the agreement shall be subject to the approval of the community and economic development director.

C. Following the approval and the signing by all parties, the completed density bonus housing agreement, with approved site development plan, shall be recorded against the entire development, including market-rate lots/units; and the relevant terms and conditions therefrom filed and recorded as a deed restriction or regulatory agreement on those individual lots or units of a property which are designated for the location of target dwelling units.
D. The approval and signing by all parties of the density bonus housing agreement shall take place prior to final map approval, and the agreement shall be recorded concurrent with the final map recordation or, where a map is not being processed, prior to issuance of building permits for such lots or units.

E. The density bonus housing agreement shall be binding to all future owners and successors in interest.

F. A density bonus housing agreement for a housing development or condominium conversion project processed pursuant to this chapter shall include, but not be limited to, the following:
   1. The number of density bonus dwelling units granted;
   2. The number and type (e.g., restricted to lower- or moderate-income households) of target dwelling units proposed;
   3. The unit size(s) (square footage) of target dwelling units and the number of bedrooms per target dwelling unit;
   4. The proposed location of the target dwelling units;
   5. Schedule for production of target dwelling units;
   6. Incentives or concessions provided by the city;
   7. Where applicable, tenure and conditions governing the initial sale of for-sale target units;
   8. Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for rental target dwelling units; and
   9. Where applicable, requirements for other documents to be approved by the city, such as marketing, leasing and management plans; financial assistance/loan documents; resale agreements; and monitoring and compliance plans. (Ord. CS-164 §§ 12, 14, 2011; Ord. NS-794 § 11, 2006)

21.86.140 Agreement processing fee.
The city council may establish by resolution, fees to be paid by the applicant to defray the city’s cost of preparing and/or reviewing all density bonus housing agreements. (Ord. NS-794 § 11, 2006)

21.86.150 Severability.
If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. CS-102 § CXVI, 2010; Ord. NS-794 § 11, 2006)
Chapter 21.87

REASONABLE ACCOMMODATION

Sections:

21.87.010 Purpose and intent.
21.87.020 Definitions.
21.87.030 Applicability.
21.87.040 Request for reasonable accommodation.
21.87.050 Review authority and procedure.
21.87.060 Required findings.
21.87.070 Effective date of order—Appeal of decision.

21.87.010 Purpose and intent.
A. The purpose and intent of this chapter is as follows:
1. To provide individuals with disabilities reasonable accommodation in land use and zoning and building regulations, policies, practices, and procedures to provide equal opportunity to use and enjoy housing and facilitate the development of housing for individuals with disabilities pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”).
2. To establish a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the city to comply fully with the intent and purpose of fair housing laws.
3. To establish findings that ensure a requested accommodation, if granted, is necessary and reasonable, and would not require a fundamental alteration in the nature of the city’s land use and zoning and building regulations, policies, practices, and procedures. (Ord. CS-125 § II, 2011)

21.87.020 Definitions.
A. For the purposes of this chapter, the terms used in this chapter relating to the provisions of reasonable accommodation are defined as follows:
1. “Individual with a disability” means someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the fair housing laws.
2. “Reasonable accommodation” means, in the land use and zoning context, providing individuals with disabilities or developers of housing for people with disabilities: (1) reasonable, necessary, or feasible flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or (2) the waiver of certain requirements when it is necessary to provide equal opportunity to use and enjoy housing and/or eliminate barriers to housing opportunities so long as the requested flexibility or waiver would not require a fundamental alteration in the nature of the city’s land use and zoning and building regulations, policies, practices, and procedures, and the city’s Local Coastal Program. (Ord. CS-196 § 1, 2012; Ord. CS-125 § II, 2011)

21.87.030 Applicability.
A. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to housing opportunities.
B. A request for reasonable accommodation may include a modification or exception to the rules, standards, development and use of housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to the housing of their choice.

C. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect the obligations of an individual or a developer of housing for an individual with disabilities to comply with other applicable regulations not at issue in the requested accommodation.

D. Requests for reasonable accommodation shall be made in the manner prescribed by Section 21.87.040 of this chapter.

E. If a request for reasonable accommodation is granted, the request shall be granted to an individual and shall not run with the land unless it is determined that (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with applicable city or state codes or (2) the accommodation is to be used by another individual with a disability.

F. Nothing in this ordinance shall require the city to waive or reduce development or building fees associated with the granting of a reasonable accommodation request. (Ord. CS-196 § 2, 2012; Ord. CS-125 § II, 2011)

### 21.87.040 Request for reasonable accommodation.

A. Application for a request for reasonable accommodation shall be made in writing on a form provided by the city planner. The form shall be signed by the property owner or authorized agent. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans and all other materials as specified by the city planner. The application shall include the zoning, land use or building code provision, regulation, policy or practice from which modification or exception for reasonable accommodation is being requested including an explanation of how application of the existing zoning, land use or building code provision, regulation, policy or practice would preclude the provision of reasonable accommodation.

B. Proof of applicable disability shall be provided in the form of a note from a medical doctor or other third party professional documentation deemed acceptable to the city planner.

C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. If an individual needs assistance in making the application for reasonable accommodation, the city will provide assistance to ensure the process is accessible. (Ord. CS-196 § 3, 2012; Ord. CS-125 § II, 2011)

### 21.87.050 Review authority and procedure.

A. A request for reasonable accommodation may be approved or conditionally approved by the city planner and shall be processed independently of any other required development permits. However, approval of a reasonable accommodation may be conditioned upon approval of other related permits.

B. The filing of an application for request for reasonable accommodation shall not require public notice.

C. If necessary to reach a determination on the request for reasonable accommodation, the city planner may request:
   1. Further information from the applicant consistent with fair housing laws, specifying in detail the information that is required.
   2. Information from other city departments and divisions or other agencies.

D. Conditions may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation be removed once those
structures or physical design features are unnecessary to provide access to the dwelling unit for the current occupants. (Ord. CS-125 § II, 2011)

21.87.060  Required findings.
A. The housing, which is the subject of the request for reasonable accommodation, will be occupied by an individual with a disability protected under fair housing laws;
B. The requested accommodation is necessary to make housing available to an individual with a disability protected under the fair housing laws;
C. The requested accommodation would not impose an undue financial or administrative burden on the city;
D. The requested accommodation would not require a fundamental alteration in the nature of the city’s land use and zoning and building regulations, policies, practices, and procedures, and for housing in the coastal zone, the city’s local coastal program. (Ord. CS-125 § II, 2011)

21.87.070  Effective date of order—Appeal of decision.
A. The effective date of the city planner’s decision and method for appeal of such decision shall be governed by Chapter 21.54 of this title.
B. Nothing in this procedure shall require the city planner to disclose any information provided to support the request for reasonable accommodation which, in the opinion of the city attorney, would violate state or federal privacy rights of the individual with a disability.
C. Nothing in the procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available. (Ord. CS-125 § II, 2011)
Chapter 21.90

GROWTH MANAGEMENT

Sections:
21.90.010 Purpose and intent.
21.90.020 Definitions.
21.90.030 General prohibition—Exceptions.
21.90.031 Tolling of time for consideration of applications submitted before the effective date of this chapter.
21.90.032 Tolling of expiration of previously issued development permits.
21.90.033 Extensions of prior approvals prohibited.
21.90.040 Compliance with this chapter.
21.90.045 Growth management residential control point established.
21.90.050 Establishment of local facilities management fee.
21.90.060 Special provisions for building permits issued during temporary moratorium.
21.90.080 Performance standard.
21.90.090 City-wide facilities and improvements plan.
21.90.100 Local facilities management zones.
21.90.110 Contents of local facility management plans.
21.90.120 Local facilities management plan preparation.
21.90.125 Facilities management plan processing.
21.90.130 Implementation of facilities and improvements requirements.
21.90.140 Obligation to pay fees or install improvements required by any other law.
21.90.150 Implementing guidelines.
21.90.160 Exclusions.
21.90.170 Council actions, fees, notice.
21.90.180 Public facility reductions.
21.90.185 Residential dwelling unit caps.
21.90.190 Severability.
21.90.195 Fee deferral.

21.90.010 Purpose and intent.

(a) It is the policy of the city to:

(1) Provide quality housing opportunities for all economic sectors of the community;

(2) Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the city;

(3) To implement the provisions of Proposition E adopted by the citizens of Carlsbad on November 4, 1986, to require that public facilities and improvements meeting city standards are available concurrently with the need created by new developments and to limit the number of residential dwelling units which can be approved or constructed in the city;

(4) Balance the housing needs of the region against the public service needs of Carlsbad residents and available fiscal and environmental resources;

(5) Encourage infill development in urbanized areas before allowing extensions of public facilities and improvements to areas which have yet to be urbanized;

(6) Ensure that all development is consistent with the Carlsbad general plan;
(7) Prevent growth unless adequate public facilities and improvements are provided in a phased and logical fashion as required by the general plan;

(8) Control of the timing and location of development by tying the pace of development to the provision of public facilities and improvements at the times established by the city-wide facilities and improvements plan.

(b) The city council of the city has determined despite previous city council actions, including but not limited to, amendments to the land use, housing, and parks and recreation elements of the general plan, amendments to city council Policy No. 17, adoption of traffic impact fees, and modification of park dedication and improvement requirements, that the demand for facilities and improvements has outpaced the supply resulting in shortages in public facilities and improvements, including, but not limited to, streets, parks, open space, schools, libraries, drainage facilities and general governmental facilities. The city council has further determined that these shortages are detrimental to the public health, safety and welfare of the citizens of Carlsbad.

(c) This chapter is adopted to ensure the implementation of the policies stated in subsection (a), to eliminate the shortages identified in subsection (b), to ensure that no development occurs without providing for adequate facilities and improvements, to regulate the pace of development thereby ensuring a continued supply of housing over a period of years and to continue the quality of life for all economic sectors of the Carlsbad community.

(d) This chapter will further the policies, goals and objectives established herein by requiring identification of all public facilities and improvements required for development, by prohibiting development until adequate provisions for the public facilities and improvements are made by developers of projects within the city, and by giving development priority to areas of the city where public facilities and improvements are already in place (infill areas).

(e) This chapter replaces the temporary moratorium on processing and approval of development projects imposed by City Council Ordinance No. 9791. (Ord. 9829 § 1, 1987; Ord. 9808 § 1, 1986)

21.90.020 Definitions.

(a) Whenever the following terms are used in this chapter they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

(1) "City-wide facilities and improvements plan" means a plan prepared and approved according to Section 21.90.090 identifying those facilities and improvements required on a city-wide basis to serve the projected population of the city as established by the general plan and providing an outline and budget for financing certain facilities and improvements which will be provided by the city.

(2) "Development" means any use to which land is put, building or other alteration of land and construction incident thereto.

(3) "Development permit" means any permit, entitlement or approval, whether discretionary or ministerial, issued under Titles 20 or 21 of this code and any legislative actions such as zone changes, general plan amendments, or master plan approval or amendment.

(4) "Facilities" means any schools, parks, open space, or recreational areas or structures providing for fire, library, or governmental services, identified in a facilities management plan.

(5) "Improvement" includes traffic controls, streets and highways, including curbs, gutters and sidewalks, bridges, overcrossings, street interchanges, flood control or stormdrain facilities, sewer facilities, water facilities and lighting facilities.

(6) "Local facilities management plan" means a facilities management plan defined by Section 21.90.120 for a local facilities management zone which is established according to Section 21.90.100. (Ord. 9808 § 1, 1986)
21.90.030 General prohibition—Exceptions.

(a) Unless exempted by the provisions of this chapter, no application for any building permit or development permit shall be accepted, processed or approved until a city-wide facilities and improvements plan has been adopted and a local facilities management plan for the applicable local facilities management zone has been submitted and approved according to this chapter.

(b) No zone change, general plan amendment, master plan amendment or specific plan amendment which would increase the residential density or development intensity established by the general plan in effect on the effective date of this chapter shall be approved unless an amendment to the citywide facilities management plan and the applicable local facilities management plan has first been approved.

(c) The classes of projects or permits listed in this subsection shall be exempt from the provisions of subsection (a). Development permits and building permits for these projects shall be subject to any fees established pursuant to the city-wide facilities and improvement plan and any applicable local facilities management plan.

(1) Redevelopment projects;

(2) Projects consisting of the construction or alteration of a single dwelling structure for a family on a lot owned by the family intending to occupy the structure, or not to exceed one nonowner-occupied house per individual for one or more lots owned prior to July 20, 1986;

(3) Building permits and final maps for projects identified in Section 2(F) of Ordinance No. 9791 (projects for which construction had commenced and were designated on the map marked Exhibit A to Ordinance No. 9791 “as developing”);

(4) Building permits for projects for which all required development permits were issued or approved on or before January 21, 1986. If all required development permits were issued for a portion of the project only, the exemption shall apply to that portion;

(5) Building permits for projects for which all required development permits were issued or approved before July 20, 1986, and for which building permits could have been issued under Ordinance No. 9791. If all required development permits were issued for a portion of the project only, the exemption shall apply to that portion;

(6) Commercial and industrial projects with approved development permits or with a complete application on file with the city prior to June 11, 1986, for such permits. New permits for commercial and industrial projects located within an area that has been previously approved for such uses may also be processed and approved;

(7) Projects by nonprofit entities for structures and uses for youth recreational, educational or guidance programs such as boys and girls clubs or private schools;

(8) Zone changes or general plan amendments necessary to accomplish consistency between the general plan and zoning, to implement the provisions of the local coastal plan or which the city council finds will not increase the public facilities or services and which are initiated by the city council or planning commission;

(9) Public utility facilities and improvement projects without accommodations for permanent employees are exempt from the provisions of this chapter unless the city council determines they are of sufficient size and scale to impact public facilities;

(10) Adjustment plans;

(11) Development permits for minor subdivisions located in the northwest quadrant of the city as defined in Ordinance No. 9791. Building permits for commercial or industrial construction on lots in such subdivisions may be approved. Residential building permits will not be approved for lots in such subdivisions unless otherwise exempt under this chapter except one permit for a nonowner-occupied lot may be approved for each such subdivision;
(12) The conversion of existing mobile home parks to condominiums or similar forms of ownership whereby the mobile home park will remain substantially the same in appearance following such conversion;

(13) Master plans or general plan amendments in connection with master plans which do not increase the residential density or the overall development intensity or facility needs established by the existing general plan provided a local facilities management plan must be prepared, processed and approved concurrently with the master plan.

(d) The provisions of this subsection apply to final maps and other development permits for projects with a tentative map approved July 20, 1986, which are not included in the exemptions listed in subsection (c).

(1) If a tentative map or tentative parcel map was approved on or before January 21, 1986, then, after approval of the city-wide facilities plan, a final map or parcel map may be processed and approved before the adoption of a local facility management plan. The expiration period for those tentative maps shall be tolled until the city-wide plan is adopted. The expiration of any development permits issued in conjunction with those maps shall be tolled until the applicable local facilities management plan is approved or, two years after the date the city-wide plan is approved, whichever occurs first.

(2) If a tentative map or tentative parcel map was approved after January 21, 1986, and before July 20, 1986, but the approval of final map or parcel map was prohibited by Ordinance No. 9791, then approval of final maps and parcel maps is prohibited until after preparation of the applicable local facilities management plan. The expiration period of those tentative maps and tentative parcel maps, and any other development permits issued in conjunction with the maps shall be tolled until the local facilities management plan is approved, or two years after the date the city-wide facilities and improvements plan is approved, whichever occurs first.

(e) The exemption for projects listed in subsection (c)(3), (4), (5), and (6) shall expire on July 20, 1988. After that date all development permits for those projects shall be fully subject to the provisions of this chapter. The exemptions for projects listed in subsection (c)(3), (4), (5), and (6) shall apply only so long as the facilities and improvements required as a condition to the issuance of final development permits have been installed or are being installed pursuant to a secured agreement. Any breach of such secured improvement agreement shall subject any remaining building permits for the project to the provisions of subsection (a).

(f) Final or parcel maps for projects listed in subsection (c)(3), (4), (5), (6), and (7) which comply with all the requirements of the Subdivision Map Act and Title 20 of this code which were filed with the city before July 20, 1986, may be approved by the city council, or city engineer as appropriate, after July 20, 1986. Upon approval, those projects shall be subject to the exemption of subsection (c).

(g) The city council may authorize the processing of and decision making on building permits and development permits for a project with a master plan approved before July 20, 1986, subject to the following restrictions:

(1) The city council finds that the facilities and improvements required by the master plan are sufficient to meet the needs created by the project and that the master plan developer has agreed to install those facilities and improvements to the satisfaction of the city council.

(2) The master plan developer shall agree in writing that all facilities and improvement requirements, including, but not limited to, the payment of fees established by the city-wide facilities and management plan and the applicable local facilities management plan shall be applicable to development within the master plan area and that the master plan developer shall comply with those plans.

(3) The master plan establishes an educational park and all uses within the park comprise an integral part of the educational facility.
(4) Building permits for the one hundred twenty-nine unit residential portion of Phase I of the project may be approved provided the applicant has provided written evidence that an educational entity will occupy Phase I of the project which the city council finds is satisfactory and consistent with the goals and intent of the approved master plan.

(5) Prior to the approval of the final map for Phase I the master plan developer shall have agreed to participate in the restoration of a significant lagoon and wetland resource area and made any dedications of property necessary to accomplish the restoration.

(h) After making the findings in paragraph (1) the city council may authorize the processing of and decisionmaking on master plans subject to the requirements of paragraph (2). After the grant of the easement required by subparagraph (h)(2)(iv) the tentative map for Phase I of the project, the site plan for the commercial development and the local coastal plan amendment may also be processed and approved. If such approvals are granted and, subject to all other provisions of this code, grading and building permits for construction of the golf course and first phase of the commercial portions of the project may be processed and approved.

The processing and approval of all other developments and building permits within the master plan shall not occur until after the city-wide facilities plan and the local facilities management plan have been adopted by the city council.

(1) (i) That the master plan will provide all necessary public facilities for the project and will cure any facilities deficits in the area affected by the project;

(ii) That the approval will not prejudice the preparation of the city-wide facilities plan and will improve the level of public facilities and services in the area;

(iii) That by the dedication of land and the construction of public improvements the project will make a significant contribution to the public facilities needs of the city and provide for the preservation or enhancement of significant environmental resources.

(2) (i) The master plan shall include all of the information required by and implementing the provisions of Sections 21.90.090 and 21.90.110 for the area covered by the master plan;

(ii) The applicant shall agree in writing that all facilities and improvement requirements, including, but not limited to, the payment of fees established by the citywide facilities and improvement plan and the applicable local facilities management plan shall be applicable to development within the master plan area and that the master plan developer shall comply with those requirements;

(iii) The master plan applicant shall agree to participate in the restoration of a significant lagoon and wetland resource area;

(iv) Prior to any processing on the master plan the applicant shall grant an easement over the property necessary for the lagoon restoration and the right-of-way necessary for the widening of La Coasta Avenue and its intersection with El Camino Real. (Ord. NS-63 § 1, 1989; Ord. 9837 § 1, 1987; Ord. 9808 § 1, 1986)

21.90.031 Tolling of time for consideration of applications submitted before the effective date of this chapter.
After approval of the city-wide facilities and improvement plan and the applicable local facilities management plan, applications for development permits which were accepted as complete before the effective date of this chapter shall have processing priority in relationship to the acceptance date. Until the approval of the plans all applicable time limits for processing the development permits shall be tolled. (Ord. 9808 § 1, 1986)

21.90.032 Tolling of expiration of previously issued development permits.
If a discretionary development permit, other than a development permit issued in conjunction with a subdivision map, issued prior to July 20, 1986, has an expiration period within which building permits must be is-
issued and the issuance of building permits for the project is prohibited by this chapter then the expiration period shall be tolled until the applicable local facilities management plan is approved, or two years after the date the citywide plan is approved, whichever occurs first. (Ord. 9808 § 1, 1986)

21.90.033 Extensions of prior approvals prohibited.
After approval of an applicable local facilities management plan an extension of the expiration date of any development permit shall not be granted unless the extension is found to be consistent with the plan. The decisionmaking body considering an extension may condition the extension upon compliance with the citywide plan and applicable local facilities management plan. (Ord. 9808 § 1, 1986)

21.90.040 Compliance with this chapter.
(a) No development permit shall be approved unless the approving authority finds that the permit is consistent with the city-wide facilities and improvements plan and the applicable local facilities management plan. To ensure consistency the approving authority may impose any condition to the approval necessary to implement the plans.
(b) No building permit shall be issued unless the fees required by this chapter, and any applicable local facilities management plan fees are first paid, and the permit is consistent with the applicable local facilities management plan. As a condition to the issuance of any building permit pursuant to Section 21.90.030(C) the applicant shall agree to pay the appropriate fees within thirty days of the date each fee is established.
(c) The requirements of this chapter are imposed as a condition of zoning on the property to ensure implementation of and consistency with the general plan and to protect the public health, safety and welfare by ensuring that public facilities and improvements will be installed to serve new development prior to or concurrently with need. (Ord. 9808 § 1, 1986)

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.

<table>
<thead>
<tr>
<th>General Plan Density Ranges</th>
<th>Growth Management Control Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>RL 0—1.5</td>
<td>1.0</td>
</tr>
<tr>
<td>RLM 0—4.0</td>
<td>3.2</td>
</tr>
<tr>
<td>RM 4.0—8.0</td>
<td>6.0</td>
</tr>
<tr>
<td>RMH 8.0—15.0</td>
<td>11.5</td>
</tr>
<tr>
<td>RH 15.0—23.0</td>
<td>19.0</td>
</tr>
<tr>
<td>R-30 23.0—30.0</td>
<td>25.0</td>
</tr>
</tbody>
</table>

No residential development permit shall be approved which density exceeds the growth management control point for the applicable density range unless the following findings are made:
1. The project will provide sufficient additional public facilities for the density in excess of the control point to ensure that the adequacy of the city’s public facilities plans will not be adversely impacted; and
2. There have been sufficient developments approved in the quadrant at densities below the control point to cover the units in the project above the control point so that approval will not result in exceeding the quadrant limit; and
3. All necessary public facilities required by this chapter will be constructed or are guaranteed to be constructed concurrently with the need for them created by this development and in compliance with the adopted city standards.
For the purposes of this section the term “quadrant” means those quadrants established by the intersections of El Camino Real and Palomar Airport Road as set forth in the map amending the General Plan and as required by Proposition E adopted November 4, 1986. (Ord. CS-206 § II, 2013; Ord. 9829 § 2, 1987)

21.90.050 Establishment of local facilities management fee.

(a) A local facilities management fee is established to pay for improvements or facilities identified in a local facilities management plan which are related to new development within the zone and are not otherwise financed by any other fee, charge or tax on development, or are not installed by a developer as a condition of a building permit or development permit. The fee may also be used to pay for that portion of the facilities or improvements identified in the city-wide facilities and improvements plan attributed to development within the local zone which are not financed by other means. The facilities management fee shall be paid before the issuance of a building permit. The amount of the fee shall be determined based upon the estimated cost of the facility or improvement designated as necessary to accommodate additional development within the applicable local facilities management zone plus the estimated cost of facilities and improvements identified in the city-wide facilities and improvement plan attributable to the local zone. The fee shall be fairly apportioned among the new development.

(b) The fee required by this section is in addition to any other means of financing facilities or improvements identified by a local facilities management plan or any other tax, fee, charge or improvement requirement which may be imposed on the development of property under the provisions of state law, this code or city council policy.

(c) The amount of the fee for a local facilities management zone shall be set by city council resolution after a public hearing, published notice of which shall be given according to Section 21.54.060.A.2 and Government Code Section 54992.

(d) As a condition of any building or development permit application submitted after the effective date of this chapter the applicant shall agree to pay the fee established by this section at the time a building permit is issued.

(e) The fee established by this section shall be levied at the time of issuance of a building permit. (Ord. CS-178 § CXXV, 2012; Ord. 9808 § 1, 1986)

21.90.060 Special provisions for building permits issued during temporary moratorium.

Applicants for projects for which building permits were issued after January 21, 1986, and before July 20, 1986, shall pay the fee established by Section 21.90.050 within thirty days after the amount of the fee is determined by the city council. Payment shall be made according to the agreement executed by the applicant pursuant to Section 3 of Ordinance No. 9791. (Ord. 9808 § 1, 1986)


(a) The city council declares that payment of the fee established and imposed by Sections 21.90.050 and 21.90.060 and installation of the facilities and improvements identified in a facilities management plan are necessary to achieve the policies established in Section 21.90.010 and to implement the city’s general plan. If the fees are not paid or the facilities or improvements are not installed the public health, safety and welfare will suffer because there will be insufficient facilities and improvements to accommodate any new development. This finding is based upon City Council Policy No. 17, City Council Ordinance No. 9791, and the evidence presented at the public hearings on the ordinance adopting this chapter.

(b) If any condition imposed as a condition of a development permit or building permit pursuant to this chapter is protested then the permit shall be suspended during the period of the protest.

(c) This section is adopted pursuant to Government Code Section 65913.5. (Ord. 9808 § 1, 1986)
21.90.080 **Performance standard.**
The city council shall adopt general performance standards for each facility or improvement listed in Section 21.90.090(b) or 21.90.110(c). Specific performance standards for city-wide facilities shall be adopted as part of the city-wide facilities and improvement plan. Specific performance standards for each zone shall be adopted as part of the local facilities management plan. If at any time after preparation of a local facilities management plan the performance standards established by a plan are not met then no development permits or building permits shall be issued within the local zone until the performance standard is met or arrangements satisfactory to the city council guaranteeing the facilities and improvements have been made. (Ord. 9808 § 1, 1986)

21.90.090 **City-wide facilities and improvements plan.**
(a) To implement the city’s general plan by securing provision of facilities and improvements, and to ensure that development does not occur unless facilities and improvements are available, the city council shall adopt by resolution a city-wide facilities and improvements plan. The plan shall: Identify all facilities and improvements necessary to accommodate the land uses specified in the general plan and by the zoning; specify size, capacity and service level performance standards for the identified facilities and improvements; establish specific time tables for acquisition, installation and operation of the facilities and improvements correlated to projected population growth, facility and improvement performance standards, and projected nonresidential development; identify the financing method or methods for each facility and improvement; and establish a facility and improvement budget for those facilities or improvements which will be constructed or financed by the city. The plan shall encourage infill development and reduce the growth-inducing impact of premature extension of facilities or improvements to undeveloped areas by establishing priorities for facility and improvement installation or financing.

(b) The city-wide facilities and improvement plan shall show how and when the following facilities and improvements will be installed or financed as specified in subsection (c):

1. Major sewage transmission systems and sewage treatment plants;
2. Major water transmission lines;
3. Major area-wide drainage facilities;
4. Prime and major arterials; freeway interchanges, bridges or overcrossings;
5. Fire facilities;
6. Governmental administration facilities;
7. Parks and other recreational facilities;

(c) The plan shall include the following information with regard to each facility and improvement listed in subsection (b):

1. An inventory of present and future requirements for each facility and improvement based upon the performance standard established for each facility and improvement. Cost estimates shall be included. The inventory shall be consistent with the general plan and zoning for the area;
2. A phasing schedule establishing the timing for installation or provisions of facilities or improvements in relationship to the amount of development activity (e.g. number of dwelling units, number of square feet of commercial space within the service area of the facility or improvement) and the facility and improvement performance standards;
3. A financing plan establishing various methods of funding the facilities and improvements identified in the plan. The plan shall identify those facilities and improvements which would otherwise be provided as a requirement of processing a development project (i.e. requirements imposed as a condition of a development permit) or provided by the developer in order to establish consistency with the general plan or Titles 18, 20 or 21 of this code, and those facilities and improve-
ments for which new funding methods which shall be sufficient to ensure sufficient funds are available to construct or provide facilities or improvements when required by the phasing schedule.

(d) The city manager shall prepare and present the plan to the city council not later than one year from the effective date of the ordinance codified in this chapter.

(e) Amendments to this city-wide facilities and improvements plan shall be initiated by action of the planning commission or city council. (Ord. 9808 § 1, 1986)

21.90.100 Local facilities management zones.

(a) The city council shall divide the city into facilities management zones.

(b) The boundaries of the zones shall be established based upon logical facilities and improvements planning, construction and service relationships to ensure the economically efficient and timely installation of required facilities and improvements. In establishing zone boundaries the city council shall also be guided by the following considerations:

1. Service areas or drainage basins;
2. Extent to which facilities or improvements are in place or available;
3. Ownership of property;
4. Boundaries of existing zoning master plans;
5. Boundaries of pending zoning master plans;
6. Boundaries of potential future zoning master plan areas;
7. Boundaries of approved tentative maps;
8. Public facilities relationships, especially the relationship to the city’s planned major circulation network;
9. Special district service territories;
10. Approved fire, drainage, sewer, or other facilities or improvement master plans.

(c) The zones shall be established by resolution after a public hearing notice of which is given pursuant to Section 21.54.060.A.2 of this code. (Ord. CS-178 § CXXVI, 2012; Ord. 9808 § 1, 1986)

21.90.110 Contents of local facility management plans.

(a) A local facilities management plan shall be prepared for each facility zone and shall cover the entire zone.

(b) The plan shall consist of maps, graphs, tables and narrative text and shall be based upon the general plan and zoning applicable within the local zone at the time of plan approval. The local facilities management plan shall be consistent with the city-wide facilities and improvements plan and shall implement the city-wide facilities and improvements plan within the zone.

(c) The facilities management plan shall show how and when the following facilities and improvements necessary to accommodate development within the zone will be installed or financed as specified in subsection (d):

1. Sewer systems;
2. Water;
3. Drainage;
4. Circulation;
5. Fire facilities;
6. Schools;
(7) Parks and other recreational facilities;
(8) Open space.

(d) The plan shall be consistent with and implement the city-wide facilities management plan and general plan and shall include the following information with regard to each facility and improvement listed in subsection (c):

(1) An inventory of present and future requirements for each facility and improvement based upon the performance standard established for each facility. Because improvement requirements for certain facilities and improvements may overlap zone boundaries a discussion of the need for coordination and a proposed coordination plan for facilities extending from one zone to another shall be included. Cost estimates shall be included. It must be shown that development in the zone will not reduce the facilities or improvements capabilities or create facilities or improvements shortages in other zones or reduce service capability in any zone below the performance standard which is established pursuant to Section 21.90.080. The growth-inducing impact of the out-of-zone improvements shall be assessed.

(2) A phasing schedule establishing the timing for installation or provisions of facilities or improvements in relationship to the amount of development activity (e.g. number of dwelling units, number of square feet of commercial space, etc.) for the facilities management zone. The phasing schedule shall ensure the development of one area of the zone will not utilize more than the area’s pro rata share of facility or improvement capacity within that zone unless sufficient capacity is ensured for other areas of the zone at the time of the first development. The phasing schedule shall include a schedule of development within the zone and a market data and cash flow analysis for financing of facilities and improvements for the zone. The phasing schedule shall identify periods where the demand for facilities and improvements may exceed the capacity and provide a plan for eliminating the shortfall. In those situations when demand exceeds capacity and it is not feasible to increase the capacity prior to development, no development shall occur unless a time schedule for and a means of increasing the capacity is established in the plan.

(3) A financing plan establishing various methods of funding the facilities and improvements identified in the plan fairly allocating the cost to the various properties within the zone. The plan shall identify those facilities and improvements which would otherwise be provided as a requirement of processing a development project (i.e. requirements imposed as a condition of a development permit) or provided by the developer in order to establish consistency with the general plan or Titles 18, 20 or 21 of this code, and those facilities and improvements for which new funding methods which shall be sufficient to ensure sufficient funds are available to construct or provide facilities or improvements when required by the phasing schedule. Where facilities or improvements are required for more than one zone, the phasing plan shall identify those other zones and the plan for each zone shall be coordinated. Coordination, however, shall not require identical funding methods.

(4) A list or schedule of facilities requirements correlated to individual development projects within the zone.

(e) The local facilities management plan shall establish the proportionate share of the cost of facilities and improvements identified in the city-wide facilities and improvement plan attributable to development of property on the local facilities management zone. (Ord. 9808 § 1, 1986)

21.90.120 Local facilities management plan preparation.

(a) A local facilities management plan may be prepared by the city or by the property owners within the zone according to the procedures established by this section.

(b) The city council, upon its own initiative, may by resolution direct the city manager to prepare a facilities management plan for any zone. The city council may assess the cost of preparing the plan to the own-
ers within the zone after a hearing ten days written notice of which is given to the property owners within the zone. The cost shall be spread pro rata according to acreage and development potential.

(c) All owners within the zone may jointly submit a facilities management plan.

(d) For zones in which joint submission of a facilities management plan is shown to be not feasible any owner or group of cooperating owners within the zone may petition the city council to allow the owner or group of owners to prepare the plan. After a meeting for which ten days’ prior written notice has been given to the property owners within the zone, the city council may permit the owner or group of owners to prepare and submit the plan. A limit based on the estimated cost of the plan shall be determined at the time of the hearing. The actual cost shall be determined when the plan is adopted and shall be assessed pro rata based on acreage and development potential to property within the facilities management zone. The assessment shall be collected by the city at the time any application for a development project within the zone is submitted. The owner or owners who prepared the plan shall be reimbursed for the cost of the plan less the owner’s or owners’ pro rata share. No reimbursement shall be made unless the plan is approved. Cost of preparation shall not include interest.

(e) As an option to preparation by the owner or group of owners as provided in subsection (d), the city council may decide to direct the city manager to prepare the facilities management plan. The cost of preparation shall be advanced to the city by the requesting owner or owners, assessed to all the owners and reimbursed as provided in subsection (d). (Ord. 9808 § 1, 1986)

21.90.125 Facilities management plan processing.

(a) Facilities management plans shall be reviewed according to the following procedure:

1. A completed facilities management plan complying with this chapter, and accompanied by a processing fee submitted to the planning director for processing. If the planning director determines that the plan complies with the provisions of Section 21.90.110 the director shall set a facilities management plan for public hearing before the planning commission within sixty days of receipt of a complete application.

2. The hearing shall be noticed according to the provisions of Section 21.54.060.A.2. A staff report containing recommendation on the plan shall be prepared and furnished to the public, the applicant, and the planning commission prior to the hearing.

3. The planning commission shall hear and consider the application for a facilities management plan and shall by resolution prepare recommendations and findings for the city council. The action of the commission shall be filed with the city clerk, and a copy shall be mailed to the owners within the facility zone.

4. When the planning commission action is filed with the city clerk, the clerk shall set the matter for public hearing before the city council. The hearing shall be noticed according to the provisions of Section 21.54.060.A.2.

5. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may approve, conditionally approve or deny a facilities management plan. The city council may include in the resolution adopting the facilities management plan any fees or facilities improvement requirements which it deems necessary to impose on development projects within the zone in order to implement the city-wide facilities and improvement plan and the local facilities management plan.

(b) A facilities management plan may be amended following the same procedures for the original adoption.

(c) A local facilities management plan shall be considered a project for the purposes of Title 19 of this code. Environmental documents should be processed concurrently with the plan. (Ord. CS-178 § CXXVII, 2012; Ord. CS-164 § 10, 2011; Ord. 9808 § 1, 1986)
21.90.130 Implementation of facilities and improvements requirements.
(a) To ensure that the provisions of this chapter and the general plan are met, the following shall apply:
   (1) Except as otherwise provided in this chapter no development permit shall be approved unless the map or permit is consistent with the local facilities management plan and unless provision for all facilities and improvements related to the development project are provided or funded.
   (2) No building permit shall be issued unless all applicable fees, including, but not limited to, public facilities fees, bridge and thoroughfare fees, traffic impact fees, facilities management fees, school fees, park-in-lieu fees, sewer fees, water fees, or other development fees identified in the city-wide facilities and improvements plan and local facilities management plan and adopted by the city council have first been paid or provision for their payment has been made to the satisfaction of the city council.
(b) The city-wide facilities and improvement plan and the local facility management plan process is part of the city’s ongoing planning effort. It is anticipated that amendments to the plans may be necessary. Adoption of a facilities management plan does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal. The city-wide facilities and improvements plan and the local facilities management plans are guides to ensure that no development occurs unless adequate facilities or improvements will be available to meet demands created by development. The city council may initiate an amendment to any of the plans at any time if in its discretion it determines that an amendment is necessary to ensure adequate facilities and improvements.
(c) If at any time it appears to the satisfaction of the city manager that facilities or improvements within a facilities management zone or zones are inadequate to accommodate any further development within that zone or that the performance standards adopted pursuant to Section 21.90.100 are not being met he or she shall immediately report the deficiency to the council. If the council determines that a deficiency exists then no further building or development permits shall be issued within the affected zone or zones and development shall cease until an amendment to the city-wide facilities and improvements plan or applicable local facilities management plan which addresses the deficiency is approved by the city council and the performance standard is met.
(d) The city planner shall monitor the development activity for each local facilities management zone and shall prepare an annual report to the city council consisting of maps, graphs, charts, tables and text and which includes a developmental activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis and recommendation for any amendments to the facilities management plan. The content of the annual report shall be established by the city council.
(e) The city council shall annually review the city-wide facilities and improvements plan at the time it considers the city’s capital improvement budget. (Ord. 9808 § 1, 1986)

21.90.140 Obligation to pay fees or install improvements required by any other law.
Nothing in this chapter shall be construed as relieving a builder, developer or subdivider from any public improvement requirement, dedication requirement or fee requirement which is imposed pursuant to Titles 13, 18, 20 or 21 of this code or pursuant to any city council policy. (Ord. 9808 § 1, 1986)

21.90.150 Implementing guidelines.
The city council may adopt any guidelines it deems necessary to implement this chapter. (Ord. 9808 § 1, 1986)

21.90.160 Exclusions.
(a) Development proposals which consist of facilities, or structures constructed by a city, county, special district, state, or federal government or any agency, department, or subsidiary thereof for governmental purposes are excluded from the provisions of this chapter. This exclusion shall not apply to development proposals to which a possessory interest tax would be applicable.
(b) Tentative maps the application for which was accepted before August 6, 1985, may be approved without complying with the plans adopted pursuant to this chapter but any other development permits or building permits for the project shall be subject to the requirements of the plans. The tentative map shall be subject to Section 21.90.030. (Ord. 9808 § 1, 1986)

21.90.170 Council actions, fees, notice.
(a) Whenever this chapter requires or permits an action or decision of the city council, that action or decision shall be accomplished by a resolution.

(b) The city council shall establish application and processing fees for the submission and processing of facilities management plans and for any other request made under Sections 21.90.100, 21.90.120 or 21.90.140.

(c) Whenever written notice is required to be given to property owners under this section the notice shall be mailed by first class mail to the owners shown on the last equalized assessment roll. (Ord. 9808 § 1, 1986)

21.90.180 Public facility reductions.
Notwithstanding any previous sections of this chapter, the city council shall not materially reduce or delete any public facilities or improvements without making a corresponding reduction in residential density unless such a reduction or deletion of public facilities is ratified by a vote of the citizens of Carlsbad. (Ord. 9829 § 4, 1987)

21.90.185 Residential dwelling unit caps.
Notwithstanding any previous sections of this chapter, the number of residential dwellings to be approved or constructed after November 4, 1986, shall not exceed the following: Northwest quadrant 5,844; Northeast quadrant 6,166; Southwest quadrant 10,667; Southeast quadrant 10,801, without an affirmative vote of the citizens of Carlsbad. (Ord. 9829 § 4, 1987)

21.90.190 Severability.
If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter 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 ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconstitutional. (Ord. 9808 § 1, 1986)

21.90.195 Fee deferral.
Notwithstanding anything in this chapter and any resolution of the city council to the contrary, all fees subject to this chapter for any residential development that consists of five or more dwelling units and all new commercial, office, and industrial buildings or building additions shall only be paid prior to building permit issuance, or, at the request of the applicant, deferred until all work required for final inspection has been completed and all department approvals required for final inspection have been obtained by the applicant. The amount of the fees shall be based on the fees in effect at the time of the request for the final inspection, not the time of building permit issuance.

In the event that the city, for any reason, fails to collect any or all fees prior to final inspection, such fees shall remain the obligation of the developer and/or the property owner. (Ord. CS-271 § V, 2015; Ord. CS-200 § V, 2013)
Chapter 21.95

HILLSIDE DEVELOPMENT REGULATIONS*

Sections:
21.95.010 Purpose and intent.
21.95.020 Definitions.
21.95.030 Applicability of minor hillside development permit and hillside development permit.
21.95.040 Exemptions from minor hillside development permit and hillside development permit.
21.95.050 Application and fees.
21.95.060 Notices and hearings.
21.95.070 Decision-making authority.
21.95.080 Required findings.
21.95.090 Announcement of decision and findings of fact.
21.95.100 Effective date and appeals.
21.95.110 Expiration, extensions and amendments.
21.95.120 Minimum development of hillside lands.
21.95.130 Hillside mapping procedures.
21.95.140 Hillside development and design standards.
21.95.150 Exclusions.
21.95.160 Modifications to the development and design standards.

* Prior ordinance history: Ord. Nos. NS-446, NS-524, NS-783, CS-102, and CS-164.

21.95.010 Purpose and intent.
The purposes and intent of this chapter are to:
A. Implement the goals and objectives of the land use and open space/conservation elements of the Carlsbad general plan;
B. Assure hillside conditions are properly identified and incorporated into the planning process;
C. Preserve and/or enhance the aesthetic qualities of nature hillsides and manufactured slopes by designing projects which relate to the slope of the land, minimizing the amount of project grading, and incorporating contour grading into manufactured slopes which are located in highly visible public locations;
D. Assure that the alteration of natural hillsides will be done in an environmentally sensitive manner whereby lagoons and riparian ecosystems will be protected from increased erosion and no substantial impacts to natural resource areas, wildlife habitats or native vegetation areas will occur. (Ord. CS-178 § CXXVIII, 2012)

21.95.020 Definitions.
The following definitions are established:
A. Whenever the following terms are used in this chapter, they shall have the meaning established by this section:
1. "Collector street" means any street with a minimum right-of-way width of sixty feet which intersects with a circulation element road and provides either primary or secondary access to a residential or nonresidential project.
2. "Contour grading" means a grading concept designed to result in earth forms which resemble natural terrain characteristics. Horizontal and vertical curve variations should be used for slope banks.
3. "Development" means grade, erect or construct.
4. “Downhill perimeter slope” means a slope located between a pad or gently sloping area (gradient is less than ten percent) of a single lot and the property line that is at a lower level than the pad or gently sloping area of the lot.

5. “Grade” means to excavate or fill or any combination thereof.

6. “Manufactured slope” means a man-made slope consisting wholly or partially of either cut or fill material.

7. “Natural slope” means a slope which is not manufactured.

8. “Project” means any proposal for “development.”

9. “Slope” means ground that forms a natural or artificial incline.

10. “Total graded area” means all areas of project grading (both on-site and off-site) which are necessary to enable the achievement of the project.

11. “Uphill perimeter slope” means a slope located between the pad or gently sloping area (gradient is less than ten percent) of a single lot and a property line located at a higher level than the pad or gently sloping area of the lot. (Ord. CS-178 § CXXVIII, 2012)

21.95.030 Applicability of minor hillside development permit and hillside development permit.
A. Unless exempt pursuant to Section 21.95.040 of this chapter, no person shall grade, or erect, or construct into or on top of a slope which has a gradient of fifteen percent or more and an elevation differential greater than fifteen feet without first obtaining a minor hillside development permit or hillside development permit pursuant to this chapter.

B. A minor hillside development permit shall be required, except as specified in subsection C of this section.

C. A hillside development permit shall be required if the permit application is processed concurrently with any other permit(s) for which the planning commission or city council is the decision-making authority. (Ord. CS-178 § CXXVIII, 2012)

21.95.040 Exemptions from minor hillside development permit and hillside development permit.
A. The following developments are exempt from the requirement to obtain a minor hillside development permit or hillside development permit, provided that the development complies with Section 21.95.140 of this chapter and the city’s hillside development and design guidelines:
   1. The development of one single-family dwelling unit on a residentially zoned lot;
   2. On a single lot, the additional development (i.e.; regrading, slope alteration or building encroachment) of or upon any manufactured slope with a gradient of forty percent or greater and an elevation differential (height) of fifteen feet or greater which has been previously graded consistent with an authorized grading permit;
   3. The development (trenching, utility construction and backfilling) of underground utility systems.

B. Any development exempted by Section 21.95.040.A above, which does not comply with Section 21.95.140 and the city’s hillside development guidelines, must submit an application for a hillside development permit or hillside development permit amendment in order to obtain an exclusion from or modification to the development and design standards pursuant to this chapter. (Ord. CS-178 § CXXVIII, 2012)

21.95.050 Application and fees.
A. An application for a minor hillside development permit or hillside development permit may be made by the owner of the property affected or the authorized agent of the owner. The application shall:
   1. Be made in writing on a form provided by the city planner;
2. State fully the circumstances and conditions relied upon as grounds for the application; and
3. Be accompanied by:
   a. A legal description of the property involved.
   b. Adequate plans that allow for detailed review pursuant to this chapter and demonstrate compliance with the hillside mapping procedures in Section 21.95.130.
   c. All other materials as specified by the city planner.

B. At the time of filing the application, the applicant shall pay the application fee contained in the most recent fee schedule adopted by the city council. (Ord. CS-178 § CXXVIII, 2012)

21.95.060 Notices and hearings.
A. Notice of an application for a minor hillside development permit shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.

B. Notice of an application for a hillside development permit shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title. (Ord. CS-178 § CXXVIII, 2012)

21.95.070 Decision-making authority.
A. Applications for minor hillside development permits and hillside development permits shall be acted upon in accordance with the following:
   1. Minor Hillside Development Permit.
      a. An application for a minor hillside development permit may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
      b. The city planner may approve or conditionally approve the minor hillside development permit if all of the findings of fact in Section 21.95.080 of this chapter are found to exist.
   2. Hillside Development Permit.
      a. An application for a hillside development permit may be approved, conditionally approved or denied by the planning commission or city council, as specified in Section 21.54.040 of this title.
      b. The decision on a hillside development permit shall be based upon the decision-making authority’s review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
      c. The decision-making authority shall hear the matter, and may approve or conditionally approve the hillside development permit if all of the findings of fact in Section 21.95.080 of this title are found to exist. (Ord. CS-178 § CXXVIII, 2012)

21.95.080 Required findings.
A. No minor hillside development permit or hillside development permit shall be approved unless the decision-making authority finds that:
   1. Undevelopable areas of the project, pursuant to Section 21.53.230(b) of this code, have been properly identified;
   2. The project complies with the purpose and intent provisions of Section 21.95.010 of this chapter;
   3. The project complies with Section 21.95.140 of this chapter and Section 21.95.160 if a modification to the development and design standards is approved;
4. The project design substantially conforms to the hillside development guidelines manual. (Ord. CS-178 § CXXVIII, 2012)

21.95.090 Announcement of decision and findings of fact.
When a decision on a minor hillside development permit or hillside development permit is made pursuant to this chapter, the decision-making body shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title. (Ord. CS-178 § CXXVIII, 2012)

21.95.100 Effective date and appeals.
Decisions on minor hillside development permits and hillside development permits shall become effective unless appealed in accordance with the applicable provisions of Sections 21.54.140 and 21.54.150 of this title. (Ord. CS-178 § CXXVIII, 2012)

21.95.110 Expiration, extensions and amendments.
A. The expiration period for an approved minor hillside development permit or hillside development permit shall be as specified in Section 21.58.030 of this title.
B. The expiration period for an approved minor hillside development permit or hillside development permit may be extended pursuant to Section 21.58.040 of this title.
C. An approved minor hillside development permit or hillside development permit may be amended pursuant to the provisions of Section 21.54.125 of this title.
   1. Unless exempted by Section 21.95.040, an amendment to a minor hillside development permit or hillside development permit shall be required for any portion of a project which has a minor hillside development permit or hillside development permit that is proposed for redesign and otherwise requires a minor hillside development permit or hillside development permit per Section 21.95.030. (Ord. CS-178 § CXXVIII, 2012)

21.95.120 Minimum development of hillside lands.
The provisions of this chapter shall be applied so as to:
A. Not preclude a reasonable use of a legal parcel which includes hillside conditions as regulated by this chapter;
B. Not preclude the efficient and safe provision of public facilities or services to any legal parcel; and
C. Allow development of at least one single-family dwelling unit per parcel described in subsection A of this section. (Ord. CS-178 § CXXVIII, 2012)

21.95.130 Hillside mapping procedures.
A slope analysis and slope profiles shall be illustrated on a constraints map, and shall accompany all development submittals which propose grading or development of slopes which have a gradient of fifteen percent or more and have an elevation differential greater than fifteen feet.
A. Slope Analysis. The slope analysis shall identify the acreage of all natural and manufactured slopes within each of the following slope categories.
   1. 0—less than 15% slopes.
   2. 15—less than 25% slopes.
   3. 25—40% slopes.
   4. Slopes greater than 40%.
   5. Percentage of slope is determined by:
B. Slope Profiles. A minimum of three slope profiles (slope cross sections) shall be included with the submittal of the slope analysis on the constraints map. Slope profiles shall:

1. Be drawn at the same scale and indexed or keyed to the constraints map, grading or preliminary grading plan and project site map;
2. Show both existing and proposed topography, structures and surface infrastructure. Proposed topography, structures and infrastructure shall be drawn with a solid heavy line. Existing topography, structures and infrastructure shall be drawn with a thin or dashed line;
3. Include the slope profile for at least one hundred feet outside of the project site boundary or adjacent public street;
4. Be drawn along those locations of the project site where:
   a. The greatest alteration of the existing topography is proposed,
   b. The most intense or bulky development is proposed, and
   c. The site is most visible from surrounding land uses;
5. Two of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines. The remaining slope profile shall be drawn at a forty-five degree angle to the other slope profiles and existing contour lines.

C. Assurance of Accurate Hillside Mapping. Both the slope analysis and slope profiles shall be stamped and signed by either a registered landscape architect, civil engineer or land surveyor indicating the datum, source and scale of topographic data used in the slope analysis and slope profiles, and attesting to the fact that the slope analysis and slope profiles have been accurately calculated and identified, consistent with this section.

D. Development which is exempt per Section 21.95.040 or excluded per Section 21.95.150 is generally exempt from the hillside mapping requirements of this section except in cases where the city planner determines that hillside mapping is necessary to assess project compliance with the hillside ordinance. (Ord. CS-178 § CXXVIII, 2012)

21.95.140 Hillside development and design standards.
The provisions of this section shall apply to all projects that propose to grade, erect or construct into or on top of a natural slope or manufactured slope which has a gradient of fifteen percent or more and an elevation differential greater than fifteen feet.

A. Coastal Zone Hillside Development Regulations.

1. All development on natural slopes of twenty-five percent or greater within the coastal zone shall comply with the requirements of Chapters 21.38 and 21.203 of the Carlsbad Municipal Code and the slope protection policies of the applicable local coastal program segment. Additionally, all hillside development processed pursuant to this chapter shall be consistent with all applicable provisions and policies of the certified local coastal program(s) and shall not result in significant adverse impacts to coastal resources. Within the coastal zone, in case of conflict between this section and any other provision of Chapter 21.95, Hillside Development Regulations, this section shall apply.

B. Development of Natural Slopes of Over Forty Percent Gradient.

1. Natural slopes which have all of the following characteristics shall be undevelopable:
   a. A gradient of greater than forty percent; and
b. An elevation differential of greater than fifteen feet; and  
c. A minimum area of ten thousand square feet; and  
d. The slope comprises a prominent land form feature.

2. Outside the coastal zone, projects which propose the development of natural slopes defined in Section 21.95.140(B)(1) shall nevertheless be allowed, only if the project qualifies as an exclusion or obtains a modification, pursuant to Sections 21.95.150 and 21.95.160, respectively.

C. Development of Manufactured Slopes of Over Forty Percent Gradient.

1. Manufactured slopes which have a gradient of greater than forty percent and an elevation differential of greater than fifteen feet shall be subject to the following development standards.
      (i) The following types of development on or into an uphill perimeter manufactured slope shall be limited to a maximum of six vertical feet as measured from the existing grade at the toe of slope:
         (A) Main building(s);
         (B) Accessory buildings; and
         (C) Retaining walls.
      (ii) Decks may be constructed upon an uphill perimeter manufactured slope up to the required building setback(s) of the underlying zone.
   b. Development of Downhill Perimeter Slopes.
      (i) For nonresidential projects only, the following types of development over a downhill perimeter manufactured slope shall be limited to a maximum of six vertical feet as measured from the existing grade at the top slope:
         (A) Decks; and
         (B) Retaining walls.
      (ii) Deck surface areas shall be allowed to extend to the same point that a six-foot vertical retaining wall would be permitted.
      (iii) No main or accessory building may encroach over the top/edge of a downhill perimeter slope.
   c. The manufactured slope standards within this section do not apply to manufactured slopes which are not located along perimeter property lines (including intervening manufactured slopes between split level pads which are located on a single lot).

D. Volume of Grading.

1. The volume of earth moved for cuts and fills shall be minimized.
2. The relative acceptability of hillside grading volume shall be determined by the following:
### Cubic Yards of Cut or Fill Grading per Acre of Cut and Fill Area (in acres)

<table>
<thead>
<tr>
<th>Cubic Yards of Cut or Fill</th>
<th>Relative Sensitivity of Hillside Grading Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—7,999 cubic yards/acre</td>
<td>Acceptable</td>
</tr>
<tr>
<td>8,000—10,000 cubic yards/acre</td>
<td>Potentially acceptable</td>
</tr>
<tr>
<td>&gt; 10,000 cubic yards/acre</td>
<td>Unacceptable</td>
</tr>
</tbody>
</table>

3. The methodology for determining the volumes of both the cut and fill in cubic yards shall be calculated as follows. A grading and preliminary grading plan shall be prepared and shall include: the cut or fill volumes noted for each particular cut or fill and the total volume of cut and fill for the project. The larger volume of the total cut or total fill volumes divided by the total graded area (in acres) shall equal the volume of hillside grading for the project.

4. Applications proposing grading volumes which are potentially acceptable (eight thousand to ten thousand cubic yards/acre of cut or fill) shall, on the preliminary grading plan, submit for review specific written findings justifying the reasons for the amount of grading, subject to the approval of the city planner and city engineer.

5. Applications proposing grading volumes which are unacceptable (greater than ten thousand cubic yards/acre of cut or fill) shall be allowed only if they qualify as an exclusion or modification pursuant to Sections 21.95.150 and 21.95.160 of this chapter respectively.

E. Slope Height.

1. Manufactured slopes shall not be greater than forty feet in height.

2. Slope Height Exclusions. See Section 21.95.150 of this chapter.

F. Contour Grading.

1. All manufactured slopes which are greater than twenty feet in height and two hundred feet in length and which are located adjacent to or are substantially visible from a circulation element road, collector street or useable public open space area shall be contour graded.

2. Contour graded slopes that are developed in nonresidential projects shall be designed to vary slope gradients between fifty percent (2:1 slope ratio) and thirty-three percent (3:1 slope ratio).

G. Screening Manufactured Slopes. All manufactured slopes shall be landscaped consistent with the city’s landscape manual.

H. Hillside and Hilltop Architecture. Hillside and hilltop structures shall be consistent with the architectural guidelines included within the city’s hillside development guidelines.

I. Slope Edge Building Setbacks (pursuant to this chapter).

1. Slope edge building setbacks shall be sufficient to eliminate or significantly reduce views of vertical building forms which would be visually incompatible with hillside landforms. Notwithstanding the building setback requirements of the underlying zone, all main and accessory buildings that are developed on hilltops and/or pads created on downhill perimeter slopes of greater than fifteen feet in height shall be setback so that the building does not intrude into a 0.7 foot horizontal to one foot vertical imaginary diagonal plane that is measured from the edge of slope to the building. For all buildings which are subject to this slope edge building setback standard, a profile of the diagonal plane shall be submitted with all other development application requirements.

2. Building setbacks pursuant to this chapter do not apply to:
   a. Slopes which are less than fifteen feet in height;
   b. The intervening slopes of split-level pads which are located on a single lot, but do apply to the edge of slope of the lowest pad;
   c. Downhill slopes which are located along the sideyards of residential lots; and
21.95.150

d. Substandard residential lots where the top/edge of slope setback standards would preclude a reasonable use of the property.

3. If a downhill perimeter slope is regraded (filled) consistent with Section 21.95.140(C) of this chapter, and a vertical retaining structure is used, then the required building setback shall be measured from the edge of slope which existed prior to regrading (filling).

4. Fencing proposed along a slope edge should be of an open design which does not visually extend the height of the slope. Exceptions to this may include, but are not limited to, noise attenuation walls, privacy walls or security walls.

J. Roadway Design. Hillside roadway design shall be consistent with the city’s hillside development guidelines manual.

K. Hillside Drainage. Hillside drainage shall be consistent with the city’s hillside development guidelines. (Ord. CS-178 § CXXVIII, 2012)

21.95.150 Exclusions.

A. Outside the coastal zone, the following are excluded from the hillside development and design standards of Section 21.95.140.

1. Hillside areas where a circulation element roadway or a collector street must be located provided that the proposed alignment(s) are environmentally preferred and comply with all other city standards.

2. Grading volumes, slope heights and graded areas which are directly associated with circulation element roadways or collector streets, provided that the proposed alignment(s) are environmentally preferred and comply with all other city standards.

3. Hillside areas that have unusual geotechnical or soil conditions that necessitate corrective work that may require significant amounts of or grading.

B. Within the coastal zone, grading for construction of circulation element roadways are excluded from Sections 21.38.141(C)(1)(a) and 21.203.040(A)(1) of the municipal code. (Ord. CS-178 § CXXVIII, 2012)

21.95.160 Modifications to the development and design standards.

A. Outside the coastal zone, the decision-making body or official may approve a modification to the hillside development and design standards of Section 21.95.140 if it finds that the proposed development complies with the purpose and intent provisions of Section 21.95.010 and makes one or more of the following findings:

1. The proposed modification will result in significantly more open space or undisturbed area than would a strict adherence to the requirements of Section 21.95.140.

2. The proposed modification will result in the development of manufactured slopes which are more aesthetically pleasing and natural appearing than would a strict adherence to the requirements of Section 21.95.140.

3. The proposed modifications will result in the preservation of natural habitat as required by the city’s habitat management plan and the required amount of preservation could not be achieved by strict adherence to the requirements of Section 21.95.140 of this chapter.

B. Any request for a modification to the development and design standards of this chapter shall be accompanied by two preliminary grading plans. One plan shall illustrate how a site would be developed with a strict adherence to the requirements of Section 21.95.140. The second set shall illustrate the extent and type of the requested modification. This plan shall also be accompanied by any other documentation needed by the decision-making body to determine that the proposed modifications will result in a superior project with less adverse environmental impacts.

1125
C. If a modification is proposed to allow grading in excess of ten thousand cubic yards/acre of cut or fill, or a manufactured slope in excess of forty feet in height, the applicant shall submit both written and graphic exhibits to justify the proposed grading to the satisfaction of the decision-making body or official. In addition, a detailed mitigation and landscaping plan shall be submitted as part of the application. This plan shall illustrate the mitigation measures and landscaping utilized to screen the proposed grading.

D. Development on land designated for nonresidential development shall comply with all requirements of this chapter except Sections 21.95.140(D) and 21.95.140(E). Any nonresidential project proposing grading in excess of ten thousand cubic yards per acre or creating slopes in excess of forty feet in height shall provide both written and graphic exhibits to justify the proposed grading to the satisfaction of the decision-making body.

E. Inside the coastal zone, the decision-making body or official may approve encroachments to slopes of twenty-five percent grade and over in order to preserve natural habitats required by the city’s habitat management plan, in accordance with Chapter 21.203 of the municipal code, provided that the required amount of preservation could not be achieved by strict adherence to the requirements of Sections 21.95.140(A) and (B) of this chapter. (Ord. CS-178 § CXXVIII, 2012)
Chapter 21.100

T-C TRANSPORTATION CORRIDOR

Sections:
21.100.010 Intent and purpose.
21.100.020 Permitted uses.
21.100.040 Site development plan.
21.100.050 Conditions.
21.100.060 Minimum lot area.

21.100.010 Intent and purpose.
The intent and purpose of the T-C zone is to provide for and ensure the preservation of certain public transportation rights-of-way which will:

(1) Insure that adequate land area is available for future transportation modes;
(2) Insure compatibility of the development with the general plan and the surrounding developments;
(3) Insure that due regard is given to environmental factors;
(4) Provide for public improvements and other conditions of approval necessitated by the development.

(Ord. 9818 § 1, 1986)

21.100.020 Permitted uses.
A. In a T-C zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 of this title governing off-street parking requirements.

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42 of this title.

C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones “office” is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this T-C zone (even under a general use category) unless it is specifically listed in Table A of this chapter as permitted or conditionally permitted.
In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates use is permitted

“CUP” indicates use is permitted with approval of a conditional use permit.

1 = Administrative hearing process
2 = Planning commission hearing process
3 = City council hearing process

“Acc” indicates use is permitted as an accessory use.

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>CUP</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (see note 2 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light-rail transit related facilities (see note 1 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking lots</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Public streets</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railroad museum</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Railroad tracks and related facilities</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational facilities (public) (see note 3 below)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation use open to the public (see note 4 below)</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Signs, except for billboards, subject to the provisions of Chapter 21.41</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Consisting of: (A) Tracks, (B) Energy transmission facilities, including rights-of-way and pressure control or booster stations for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources, (C) Maintenance/repair facilities, (D) Stations.
2. Only the following agricultural uses, and buildings accessory to such agricultural uses, are permitted in the T-C zone: (A) Field and seed crops, (B) Truck crops, (C) Horticultural crops, (D) Orchards and vineyards, (E) Tree farms, (F) Fallow lands.
3. Limited to: (A) Passive open space, (B) Bicycle paths, (C) Pedestrian trails.
4. Tennis courts, picnic areas and similar temporary uses.

(Ord. CS-164 § 10, 2011; Ord. NS-791 § 30, 2006; Ord. 9818 § 1, 1986)

21.100.040 Site development plan.
No building permit or other entitlement for any use in the T-C zone shall be issued until a site development plan has been approved for the property. The site development plan may include provisions for any accessory use necessary to conduct any permitted use. The site plan shall be processed and approved according to the provisions of Chapter 21.06. (Ord. 9818 § 1, 1986)

21.100.050 Conditions.
The decision-making body may impose such conditions on the site plan as are determined necessary to implement and ensure consistency with the provisions of this chapter, the general plan, the local coastal land use plans, and any applicable specific plans, to ensure that the uses are sufficiently isolated from any rail facilities. (Ord. 9818 § 1, 1986)

21.100.060 Minimum lot area.
There shall be no minimum lot area established for the T-C zone. The size of the lot shall be dependent upon the existing or proposed use. (Ord. 9818 § 1, 1986)
Chapter 21.105

RECYCLING FACILITIES AND RECYCLING AREAS

Sections:
21.105.010 Recyclable material.
21.105.015 Recycling facility.
21.105.025 Reverse vending machine.
21.105.030 Recycling collection facilities allowed in commercial and industrial zones.
21.105.040 Recycling processing facilities allowed in industrial zones.
21.105.050 Reverse vending machine facilities.
21.105.060 Recycling areas in development projects.

21.105.010 Recyclable material.
"Recyclable material" means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. In addition, "recyclable material" is material that is permitted to be recycled at a given site and facility. "Recyclable material" does not include refuse or hazardous materials. "Recyclable material" may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code. (Ord. NS-6 § 1, 1988)

21.105.015 Recycling facility.
"Recycling collection facility" means a center for the acceptance of recyclable materials. Unless otherwise indicated, such a facility does not use power-driven processing equipment. A small recycling collection facility is less than or equal to five hundred square feet. A large recycling collection facility is greater than five hundred square feet. A mobile recycling collection facility is an automobile, truck, trailer or van licensed by the Department of Motor Vehicles and other ancillary facilities permitted by the city which are used for the collection of recyclable materials. (Ord. NS-6 § 1, 1988)

A "recycling processing facility" means a building or enclosed space used for the collection and processing of recyclable materials. "Recycling processing" means the preparation of recyclable material for efficient shipment, to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning. A light recycling processing facility occupies an area of under forty-five thousand square feet of gross collection, processing and storage area and is limited to two outbound truck shipments per day. Light recycling processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials. A light recycling processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers. A heavy recycling processing facility is any recycling processing facility other than a light recycling processing facility. (Ord. NS-6 § 1, 1988)

21.105.025 Reverse vending machine.
A "reverse vending machine (RVM)" means an automated mechanical device which accepts one or more types of empty containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the state. An RVM may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. A bulk RVM is an RVM that is larger than fifty square feet, is designed to accept more than one type of container at a time, and will pay by weight instead of by individual container. (Ord. NS-6 § 1, 1988)
Recycling collection facilities allowed in commercial and industrial zones.

Recycling collection facilities shall be allowed in commercial and industrial zones upon approval of a conditional use permit pursuant to Chapter 21.42 of this title, and subject to the following:

(a) Small recycling collection facilities:

1. Shall be established in conjunction with an existing commercial use or community service facility which complies with city codes, ordinances and design standards;

2. Shall be no larger than five hundred square feet;

3. Shall meet all applicable development standards and shall not interfere with pedestrian or vehicular movements;

4. Shall accept only glass, metals, plastic containers, papers and reusable items as allowed by the specific conditional use permit;

5. Shall use no power driven processing equipment;

6. Shall use attractive containers as approved by the city planner that are compatible with the site and surrounding area and are constructed and maintained with durable waterproof and rustproof material. The containers shall be covered when the site is not attended and be secure from unauthorized entry or removal of material. The containers shall be of a capacity sufficient to accommodate materials collected according to an adopted collection schedule;

7. Shall store all recyclable material in containers or in a mobile recycling collection facility. Recyclable materials shall not be left outside of containers or a mobile recycling collection facility when an attendant is not present;

8. Shall be maintained free of fluids, odors, litter, rubbish and any other non-recyclable materials, and shall be swept and cleaned at the end of each collection day;

9. Noise levels shall comply with city ordinance and standards;

10. Attended facilities located within one hundred feet of a property planned, zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven p.m.;

11. Containers for the twenty-four-hour collection of materials shall be at least one hundred feet from any property zoned or occupied for residential use;

12. Containers shall be clearly marked to identify the type of material which may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;

13. Signs shall be provided as follows:

   A. Recycling facilities may have identification signs with a maximum size of eight square feet. The signage shall include the recycling logo provided by the city and shall indicate the location of other small recycling collection facilities in Carlsbad,

   B. Signs must be consistent with the positive characteristics of the location and conform to Chapter 21.41 and/or any adopted sign regulation on the site,

   C. Directional signs, bearing only the recycling logo, may be installed with approval of the conditional use permit if necessary to facilitate efficient and desirable traffic circulation;

14. The facility shall not impair required landscaping of the site;

15. No additional recycling customer parking spaces will be required for a small recycling collection facility located at the established parking lot of a host use that conforms to the present city parking standards;
(16) Use of parking spaces by the small recycling collection facility shall not reduce the quantity or quality of available parking spaces below the minimum number required for the site unless all of the following findings can be made:

(A) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation,

(B) A parking study shows that existing parking capacity is not already fully utilized during the time that the small recycling collection facility will be on the site. The results of the parking study shall be incorporated into an adopted site parking plan. The plan shall be used by all users of the site along with the city in reviewing land use applications, building permits, tenant improvements to assure parking facilities are adequate to meet demand;

(17) If the conditional use permit expires without renewal, the recycling collection facility shall be removed from the site on the day following permit expiration.

(b) Large recycling facilities:

(1) The facility is not within one hundred fifty feet of a property planned, zoned or occupied for residential use;

(2) The facility is completely screened from the public view by operating in an enclosed building or within an area completely enclosed by landscaping and a permitted opaque wall or fence of sufficient height to completely screen the facility from the public view. Large recycling collection facilities proposed in the PM zone shall only be allowed to operate completely within an enclosed building;

(3) The facility complies with the applicable requirements for the site in which the facility is located;

(4) Any storage of recyclable material shall be in sturdy containers, baled or pelletized. Storage of such material shall be covered, secured and maintained in a clean and orderly condition. Storage containers for flammable materials shall be approved by the fire department;

(5) The site shall be maintained free of fluids, odors, litter, rubbish and any other nonrecyclable materials, and will be cleaned on a daily basis;

(6) Reserved;

(7) Facilities located within five hundred feet of property planned, zoned or occupied for residential use, shall not be in operation between seven p.m. and seven a.m.;

(8) Any containers provided for after-hour collection of recyclable materials shall be at least two hundred fifty feet from any property planned, zoned or occupied for residential use. All containers shall be of sturdy, rustproof and leakproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials. Containers within the PM zone shall be enclosed within a building;

(9) The facility shall be kept free of fluids, odors, litter and rubbish. The collection area shall be clearly marked to identify type of material that may be deposited. The collection area shall display a notice stating that no material shall be left outside of the containers. A trash can shall be provided and emptied daily;

(10) Signage shall meet the standards of the site in which the facility is located. Signage including the recycling logo provided by the city, shall clearly indicate the name and phone number of the facility operator, and shall indicate the location of other large recycling collection facilities in Carlsbad. (Ord. CS-164 § 10, 2011; Ord. CS-102 §§ CXVIII, CXIX, 2010; Ord. NS-6 § 1, 1988)

21.105.040 Recycling processing facilities allowed in industrial zones.
Recycling processing facilities shall be allowed in industrial zones upon approval of a conditional use permit pursuant to Chapter 21.42 and subject to the following:

(a) The facility shall meet all applicable development standards;
(b) The facility shall not abut a property planned, zoned or occupied for residential use;

(c) The facility shall operate in an area completely enclosed on all sides by landscaping and a permitted opaque fence or wall of sufficient height to completely screen the facility from the public view; and located at least two hundred fifty feet from property planned or zoned or occupied for residential use. Recycling processing facilities proposed in the PM zone shall only be allowed to operate completely within an enclosed building;

(d) Power-driven processing shall be permitted, provided noise levels shall comply with city ordinances and standards. Recycling processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials;

(e) All storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable material shall be approved by the fire department. No storage facilities shall be visible above the height of fencing. No exterior storage shall be allowed in the PM zone;

(f) The site shall be maintained free of fluids, odors, litter, rubbish and any other nonrecyclable materials. The site shall be cleaned of debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;

(g) Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten customers or the peak hourly load, whichever is higher;

(h) Space shall be provided to park each commercial vehicle operated by the processing facility and for each employee of the facility;

(i) Noise levels shall conform with city ordinance and standards;

(j) If the facility is located within five hundred feet of property planned, zoned or occupied for residential use, it shall not be in operation between seven p.m. and seven a.m. The facility will be administered by on-site personnel during the hours the facility is open;

(k) Areas where recyclable materials are collected shall be kept free of fluids, odors, litter, rubbish and any other undesirable materials, and the collection area shall be clearly marked to identify the type of material that may be deposited, and shall display a notice stating that no material shall be left outside. A rubbish container shall be provided and emptied daily;

(l) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on neighboring properties;

(m) Signage shall meet the standards applicable to the site. Signage shall include the recycling logo as provided by the city, shall clearly indicate the name and phone number of the facility operator, shall indicate the hours of operation and shall indicate the location of other recycling processing facilities in Carlsbad. (Ord. CS-102 § CXX, 2010; Ord. NS-6 § 1, 1988)

21.105.050 Reverse vending machine facilities.
In commercial zoning districts, a reverse vending machine (RVM) facility may be required by the city planner to be located and maintained on-site for the following uses and subject to the following standards:

(a) The RVM shall be located within fifty feet of the entrance of a host use. Host uses include the following:

   (1) Drug stores;
   (2) Grocery stores;
   (3) Eating establishments which provide take-out service;
   (4) Retail or wholesale business or service stations which provide for the sale of items contained in recyclable materials;
   (5) Packaged liquor stores.
(b) A trash can shall be located within ten feet of a reverse vending machine. A RVM facility shall be maintained in a clean, litter and odor free condition.

(c) A RVM facility shall be an integral part of a site’s design and shall not interfere with pedestrian or vehicular movement.

(d) A RVM facility shall have operating hours that are at least as long as the operating hours and the host use or vending machine(s).

(e) Each RVM within a RVM facility shall:
   
   (1) Be constructed and maintained with durable waterproof and rustproof material from which no fluids or odors are allowed to emit;
   
   (2) With a maximum of four square feet of instructions that clearly indicate:
      
      (A) The type of recyclable material to be deposited,
      
      (B) The operating instructions,
      
      (C) The identity and phone number of the operator or responsible person to call if the machine is inoperable,
      
      (D) A current list of similar RVMs within the city.

(f) An RVM facility shall be identified with a two-foot maximum recycling logo approved by the city for use city-wide. The recycling logo shall not be considered a sign in determining allowable signage for the host site or use. (Ord. CS-164 § 10, 2011; Ord. NS-6 § 1, 1988)

21.105.060 Recycling areas in development projects.

(a) Definitions.

(1) “Development project” means any of the following:
   
   (A) A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units;
   
   (B) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste;
   
   (C) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this section are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

(2) “Improvement” means any activity which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. For purposes of this chapter, “improvements” do not include “repairs.” “Repairs” keep facilities in good operating condition, but do not materially add to the value of the facility, and do not substantially extend the life of the facility.

(3) “Floor area of a marina” shall be defined as the space dedicated to the docking or mooring of marine vessels.

(4) “Public facility” means and includes, but is not limited to, buildings, structures, marinas and outdoor recreation areas owned by a local agency.

(5) “Recycling area” means space allocated for collecting and loading recyclable materials.

(b) Applicability. Adequate, accessible and convenient areas for collecting and loading recyclable materials shall be provided for each of the following types of development:
(1) Any new development project for which an application for a building permit is submitted on or after September 1, 1994;

(2) Any improvements for areas of a public facility used for collecting and loading solid waste;

(3) Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of the development project;

(4) Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of the development project;

(5) Any existing development project for which multiple applications for building permits are submitted within a twelve-month period beginning on or after September 1, 1994, for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor area of the development project;

(6) Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994, an application for a building permit for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of that portion of the development project which said tenant leases;

(7) Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994, an application for a building permit for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases; and

(8) Any existing development project occupied by multiple tenants, one of which submits within a twelve-month period beginning on or after September 1, 1994, multiple applications for building permits for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases.

c) Guidelines for All Development Projects.

(1) Recycling areas shall be designed to be architecturally compatible with nearby structures and with existing topography and vegetation.

(2) The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

(3) The design and construction of recycling areas shall not be in conflict with any applicable federal, state or local laws relating to fire, building, access, transportation, circulation or safety.

(4) Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state or local laws relating to fire, access, building, transportation, circulation or safety.

(5) Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

(6) Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

(7) A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.
(8) Developments and transportation corridors adjacent to recycling areas shall be adequately protected from any adverse impacts such as noise, odor, vectors or glare through measures including, but not limited to, maintaining adequate separation, fencing, and landscaping.

(9) Recycling areas shall have the ability to accommodate receptacles for recyclable materials.

(10) Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

(11) Recycling areas shall be located so they are as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as are the area(s) where solid waste is deposited, collected and loaded.

(12) Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.


(1) Recycling areas shall be adequate in capacity, number and distribution to serve the development project.

(2) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of the development project.

(3) Recycling areas shall contain an adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project.

(e) Additional Guidelines for Multiple-Tenant Development Projects.

(1) Recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(2) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(3) Recycling areas shall contain an adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(f) Costs. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations. (Ord. NS-321 § 2, 1995)
Chapter 21.110

FLOODPLAIN MANAGEMENT REGULATIONS

Sections:
21.110.010 Statutory authorization.
21.110.030 Statement of purpose.
21.110.040 Methods of reducing flood losses.
21.110.050 Definitions.
21.110.060 Lands to which this chapter applies.
21.110.070 Basis for establishing the areas of special flood hazard.
21.110.080 Compliance.
21.110.090 Abrogation and greater regulations.
21.110.100 Interpretation.
21.110.110 Warning and disclaimer of liability.
21.110.120 Severability.
21.110.130 Special use permit.
21.110.135 Findings for approval.
21.110.140 Designation of floodplain administrator.
21.110.150 Duties and responsibilities of the floodplain administrator.
21.110.170 Standards for utilities.
21.110.180 Standards for subdivisions.
21.110.190 Standards for manufactured homes.
21.110.200 Floodways.
21.110.210 Coastal high hazard areas.
21.110.220 Mudslide (i.e., mudflow) prone areas.
21.110.230 Flood-related erosion-prone areas.
21.110.240 Appeals.
21.110.250 Conditions for variances.

21.110.010 Statutory authorization.
This chapter is adopted pursuant to the legislative authority set forth in Government Code Sections 65302, 65560 and 65800 which conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. NS-39 § 1, 1988)

21.110.030 Statement of purpose.
(a) The floodplain management regulations are necessary due to the following facts:
   (1) The flood hazard areas of the city are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
   (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
(b) It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
   (1) To protect human life and health;
(2) To minimize expenditure of public money for costly flood-control projects;
(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) To minimize prolonged business interruptions;
(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
(6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
(7) To insure that potential buyers are notified that property is in an area of special flood hazard;
(8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
(9) Recognize floodplain areas as potential open space resources and encourage compatible open space uses wherever possible. (Ord. CS-102 § CXXIII, 2010; Ord. NS-39 § 1, 1988)

21.110.040 Methods of reducing flood losses.
In order to accomplish its purposes, this chapter includes methods and provisions for:
(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
(4) Controlling filling, grading, dredging and other development which may increase flood damage; and
(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. NS-39 § 1, 1988)

21.110.050 Definitions.
For the purposes of this chapter, the following words and phrases have the meaning respectively ascribed to them by this section:
(1) “Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.
(2) “Area of shallow flooding” means a designated AO, AH or VO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
(3) “Area of special flood-related erosion hazard” means the area subject to severe flood related erosion losses. The area is designated as zone E on the Flood Insurance Rate Map (FIRM).
(4) Area of Special Flood Hazard. See “Special flood hazard area.”
(5) “Area of special mudslide (i.e., mudflow) hazard” means the area subject to severe mudslides (i.e., mudflows). The area is designated as zone M on the Flood Insurance Rate Map (FIRM).
(6) “Base flood” means the flood having a one percent chance of being equalled or exceeded in any given year (also called the one-hundred-year flood).
(7) “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.
(8) “Breakaway walls” means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or
wave action without causing any damage to the structural integrity of the building on which they are
used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a
safe design loading resistance of not less than ten and no more than twenty pounds per square foot.
Use of breakaway walls must be certified by a registered engineer or architect and shall meet the fol-
lowing conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during
the base flood; and

(B) The elevated portion of the building shall not incur any structural damage due to the effects of
wind and water loads acting simultaneously in the event of the base flood.

(9) “Coastal high hazard area” means the area subject to high velocity waters, including coastal and tidal
inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as zone V1-30,
VE or V.

(10) “Development” means any manmade change to improved or unimproved real estate including, but not
limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling
operations.

(11) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of
normally dry land areas due to:

(A) The overflow of floodwaters;

(B) The unusual and rapid accumulation or runoff of surface waters from any source; and/or

(C) The collapse or subsidence of land along the shore of a lake or other body of water as a result of
erosion or undermining caused by waves or currents of water exceeding anticipated cyclical lev-
els or suddenly caused by an unusually high water level in a natural body of water, accompanied
by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal
surge, or by some similarly unusual and unforeseeable event which results in flooding as defined
in this definition.

(12) “Flood Boundary and Floodway Map” means the official map on which the Federal Emergency Man-
agement Agency or Federal Insurance Administration has delineated both the areas of flood hazard
and the floodway.

(13) “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Man-
agement Agency or Federal Insurance Administration has delineated both the areas of special flood
hazards and the risk premium zones applicable to the community.

(14) “Flood Insurance Study” means the official report provided by the Federal Insurance Administration
that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface
elevation of the base flood.

(15) “Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from
any source. See definition of flooding.

(16) “Floodplain management” means the operation of an overall program of corrective and preventive
measures of reducing flood damage including, but not limited to, emergency preparedness plans, flood
control works and floodplain management regulations.

(17) “Floodplain management regulations” means zoning chapters, subdivision regulations, building codes,
health regulations, special purpose chapters (such as floodplain chapter, grading chapter and erosion
control chapter) and other applications of police power. The term describes such state or local regula-
tions in any combination thereof, which provide standards for the purpose of flood damage prevention
and reduction.

(18) “Floodproofing” means any combination of structural and nonstructural additions, changes or adjust-
ments to structures which reduce or eliminate flood damage to real estate or improved real property,
water and sanitary facilities, structures and their contents.
(19) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

(20) “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(21) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(22) “Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition).

(A) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

(i) The anchoring standards in Section 21.110.160(1);

(ii) The construction materials and methods standards in Section 21.110.160(2);

(iii) The wet flood proofing standard in Section 21.110.160(3); and

(iv) The standards for utilities in Section 21.110.170.

(23) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

(24) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

(25) “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

(26) “New construction” means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community.

(27) “One-hundred-year flood” or “100-year flood” means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to the base flood, which will be the term used throughout this chapter.

(28) “Person” means an individual or his/her agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

(29) “Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

(30) “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(31) “Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
“Special flood hazard area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE or V.

“Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installations of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the applicable code enforcement officials and which are the minimum necessary to assure safe living conditions; or
(B) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. NS-664 §§ 1, 2, 2003; Ord. NS-39 § 1, 1988)

Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of the city. When only a portion of a parcel of land lies within the areas of special flood hazards, the provisions of this chapter shall apply only to that portion lying within those areas. (Ord. NS-39 § 1, 1988)

Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the San Diego County and incorporated areas Flood Insurance Study (FIS), dated June 19, 1997, and accompanying Flood Insurance Rate Map (FIRM), dated June 19, 1997, and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas that allow implementation of this chapter and are recommended to the city council by the floodplain administrator. The FIS and FIRM are on file in the office of the city engineer in Carlsbad, California, 92008. (Ord. NS-664 § 3, 2003; Ord. NS-39 § 1, 1988)
21.110.080 Compliance.
No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing in this chapter shall prevent the city from taking such lawful action as is necessary to prevent, enjoin or remedy any violation. (Ord. NS-39 § 1, 1988)

21.110.090 Abrogation and greater regulations.
This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other chapter, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. NS-39 § 1, 1988)

21.110.100 Interpretation.
In the interpretation and application of this chapter, all provisions shall be:
A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and
C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. NS-39 § 1, 1988)

21.110.110 Warning and disclaimer of liability.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. NS-39 § 1, 1988)

21.110.120 Severability.
This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. NS-39 § 1, 1988)

21.110.130 Special use permit.
A special use permit shall be obtained in addition to any other required permits or entitlements before construction or development begins within any area of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow) hazards established in Section 21.110.070. The filing fees for a special use permit shall be in an amount as the city council may by resolution establish. Applications for a special use permit shall be made on forms furnished by the city planner and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
21.110.135

(2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
(3) All appropriate certifications listed in Section 21.110.150(D) of this chapter;
(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
(5) Environmental impact assessment (one copy only); and
(6) Environmental impact report (twenty copies), if required. (Ord. CS-164 § 10, 2011; Ord. CS-102 § CXXIV, 2010; Ord. NS-39 § 1, 1988)

21.110.135 Findings for approval.
(a) A special use permit required by this chapter may be approved or conditionally approved only if the following findings are made:

(1) The project is consistent with the general plan, local coastal program, the requirements of this chapter, and any other applicable requirement of this code.
(2) The site is reasonably safe from flooding.
(3) The project is designed to minimize the flood hazard to the habitable portions of the proposed structure.
(4) The proposed project does not create a hazard for adjacent or upstream properties or structures.
(5) The proposed project does not create any additional hazard or cause adverse impacts to downstream properties or structures.
(6) The proposed project does not reduce the ability of the site to pass or handle a base flood of 100-year frequency.
(7) The cumulative effect of the proposed project when combined with all the other existing, proposed, and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
(8) The project is contingent upon compliance with other federal and state regulations as required. (Ord. CS-164 § 10, 2011; Ord. CS-102 § CXXV, 2010)

21.110.140 Designation of floodplain administrator.
The Planning Commission is appointed as the floodplain administrator. (Ord. CS-102 § CXXVI, 2010; Ord. NS-39 § 1, 1988)

21.110.150 Duties and responsibilities of the floodplain administrator.
The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

(1) Permit Authority. The floodplain administrator may approve, conditionally approve or deny a special use permit required by this chapter upon the advice of the city engineer.
(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 21.110.070, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 21.110.160 through 21.110.230 of this chapter. Any such information shall be submitted to the city council for adoption.
(3) Whenever a watercourse is to be altered or relocated:

(A) Notify adjacent communities and the California Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

In all areas of special flood hazards the following standards are required:

1. Anchoring.
   (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   (B) All manufactured homes shall meet the anchoring standards of Section 21.110.190.

2. Construction Materials and Methods.
   (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
   (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   (D) Require within zones AH, AO or VO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Elevation and Floodproofing.
   (A) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (3)(C) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the city building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
21.110.170 Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

(b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. NS-39 § 1, 1988)

21.110.180 Standards for subdivisions.

(a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

(b) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor provided to the floodplain administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. NS-39 § 1, 1988)

21.110.190 Standards for manufactured homes.
All new and replacement manufactured homes and additions to manufactured homes shall:

(1) Be elevated so that the lowest floor is at or above the base flood elevation; and

(2) Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. NS-39 § 1, 1988)

21.110.200 Floodways.
Located within areas of special flood hazard established in Section 21.110.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection 1 of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Sections 21.110.160 through 21.110.230 of this chapter. (Ord. NS-39 § 1, 1988)

21.110.210 Coastal high hazard areas.
Within coastal high hazard areas established in Section 21.110.070, the following standards shall apply:

(1) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.

(2) All new construction shall be located on the landward side of the reach of mean high tide.

(3) All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.

(4) Fill shall not be used for structural support of buildings.

(5) Manmade alterations of sand dunes which would increase potential flood damage is prohibited.

(6) The floodplain administrator shall obtain and maintain the following records:

(A) Certification by a registered engineer or architect that a proposed structure complies with Section 21.110.210(1).

(B) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. NS-39 § 1, 1988)

21.110.220 Mudslide (i.e., mudflow) prone areas.
(a) The floodplain administrator shall review permits for proposed construction or other development to determine if it is proposed within a mudslide area.

(b) Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:

(1) The type and quality of soils;
(2) Evidence of groundwater or surface water problems;
(3) The depth and quality of any fill;
(4) The overall slope of the site; and
(5) The weight that any proposed development will impose on the slope.

(c) Within areas that have mudslide hazards, the following requirements apply:
   (1) A site investigation and further review shall be made by a person qualified in geology and soils
       engineering;
   (2) The proposed grading, excavation, new construction and substantial improvements shall be ade-
       quately designed and protected against mudslide damages;
   (3) The proposed grading, excavations, new construction and substantial improvements do not ag-
       gravate the existing hazard by creating either on-site or off-site disturbances; and
   (4) Drainage, planting, watering and maintenance shall not endanger slope stability.

(d) Within zone M on the Flood Insurance Rate Map, the community shall adopt a drainage chapter which
   at least complies with the standards of Section 7001 through 7006 and Sections 7008 through 7015 of
   the most recent amendment of the 1982 Uniform Building Code:
   (1) The location of foundation and utility systems of new construction and substantial improvements;
   (2) The location, drainage and maintenance of all excavations, cuts and fills and planted slopes;
   (3) Protective measures including, but not limited to, retaining walls, buttress fills, subdrains, diverter
       terraces, benchings, etc.; and
   (4) Engineering drawings and specifications to be submitted for all corrective measures, accompa-
       nied by supporting soils engineering and geology reports. (Ord. NS-39 § 1, 1988)

21.110.230 Flood-related erosion-prone areas.
(a) The floodplain administrator shall require permits for proposed construction and other development
    within all flood-related erosion-prone areas as known to the community.
(b) Such permits shall be reviewed to determine whether the proposed site alterations and improvements
    will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or
    otherwise aggravate the existing hazard.
(c) If a proposed improvement is found to be in the path of flood-related erosion or would increase the
    erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken
    to avoid aggravating the existing erosion hazard.
(d) Within zone E on the Flood Insurance Rate Map, a setback is required for all new development from
    the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural
    vegetative or contour strip. This buffer shall be designated according to the flood-related erosion haz-
    ard and erosion rate, in relation to the anticipated useful life of structures, and depending upon the
    geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for
    suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat
    areas, and for other activities using temporary and portable structures only. (Ord. NS-39 § 1, 1988)

21.110.240 Appeals.
(a) The floodplain administrator shall announce its decision and findings by resolution to the applicant and
    the resolution shall recite, among other things, the facts and reasons which, in the opinion of the flood-
    plain administrator, make the granting or denial of a special use permit, variance or other entitlement
    under this chapter necessary to carry out the provisions and general purposes of this title and shall or-
    der that the special use permit, variance or other entitlement be granted or denied, and if such resolu-
tion orders that the special use permit, variance or other entitlement be granted, it shall also notice such conditions and limitations as the floodplain administrator may impose.

(b) The effective date of order of the floodplain administrator granting or denying a special use permit, variance or other entitlement and the method for appeal of such order shall be governed by Section 21.54.150 of this code. In passing upon appeals and requests for variances from the requirements of this chapter, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;
(2) The danger of life and property due to flooding or erosion damage;
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(4) The importance of the services provided by the proposed facility to the community;
(5) The necessity to the facility of a waterfront location, where applicable;
(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
(7) The compatibility of the proposed use with existing and anticipated development;
(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1) through (b)(11) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(d) Upon consideration of the factors of subsection (b) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(e) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. NS-675 § 72, 2003; Ord. NS-664 § 4, 2003; Ord. NS-39 § 1, 1988)

21.110.250 Conditions for variances.
(a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:
(1) A showing of good and sufficient cause;
(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public or conflict with existing local laws or chapters.

(e) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (a) through (d) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(f) Any applicant to whom a variance is granted shall be given written notice over the signature of the community and economic development director that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for two hundred dollars of insurance coverage with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Diego County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. CS-164 § 15, 2011; Ord. NS-664 § 5, 2003; Ord. NS-39 § 1, 1988)
Chapter 21.201

COASTAL DEVELOPMENT PERMIT PROCEDURES*

Sections:

21.201.010 Purpose.
21.201.015 Applicability.
21.201.020 Definitions.
21.201.030 Requirements for minor coastal development permits and coastal development permits.
21.201.050 Determination of applicable procedures.
21.201.060 Exemptions and categorical exclusions from minor coastal development permit and coastal development permit procedures.
21.201.070 Repair and maintenance activities requiring a coastal development permit.
21.201.080 Minor coastal development permits and coastal development permits.
21.201.090 Announcement of decision and notice of final local government action.
21.201.120 Effective date and appeal.
21.201.130 Developments appealable to the coastal commission.
21.201.140 Exhaustion of local appeals.
21.201.150 Public hearing on appealable developments.
21.201.160 Finality of city action.
21.201.190 Emergency coastal development permits.
21.201.200 Expiration of minor coastal development permits and coastal development permits.
21.201.210 Extensions.
21.201.220 Permit amendment.
21.201.230 Coastal development permits issued by coastal commission.
21.201.240 Violations of the Public Resources Code.

* Prior ordinance history: Ord. Nos. NS-365, NS-663, NS-675, CS-054, CS-099, CS-102, and CS-164.

21.201.010 Purpose.
This chapter establishes the permit procedures for developments located in the coastal zone. This chapter is based on the local coastal program implementation regulations adopted by the California Coastal Commission pursuant to Public Resources Code Sections 30620.6 and 30333, and as such shall constitute the minimum procedural requirements for review of developments in the coastal zone pursuant to Public Resources Code Section 30600(d). (Ord. CS-178 § CXXIX, 2012)

21.201.015 Applicability.
This chapter shall apply to development within the coastal zone, with the exception of the Agua Hedionda Lagoon segment of the Carlsbad Local Coastal Program. (Ord. CS-178 § CXXIX, 2012)

21.201.020 Definitions.
A. “Aggrieved person” means any person who, in person or through a representative, appeared at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the city of the nature of his or her concerns or who for good cause was unable to do either.
B. “Allowable use” means any use allowed by right which does not require a public hearing or any discretionary or nondiscretionary permit of the approving authority.
C. “Appealable development” means in accordance with Public Resources Codes Section 30603(a), any of the following:
1. Developments approved by the local government between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

2. Developments approved by the local government not included within subsection (C)(1) of this section located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream or within three hundred feet of the top of the seaward face of any coastal bluff.

3. Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603(a)(5) and its regulations shall mean any proposed public works project, as defined by Section 13012 of the Coastal Commission Regulations, (Title 14 California Code of Regulations, Division 5.5) or energy facility, as defined by Public Resources Code Section 30107.

D. "Appellant" means any person who may file an appeal and includes an applicant, any aggrieved person or any two members of the coastal commission.

E. "Applicant" means the person, partnership, corporation, state or local government agency applying for a coastal development permit.

F. Reserved.

G. "Categorically excluded development" means a development (upon request of the city, public agency or other person) which the city planner has determined pursuant to Section 21.201.060(C) of this code to have no potential for significant adverse effect on coastal resources or access and, therefore, has issued an exclusion.

H. "Coastal zone" means the coastal zone of the city as described in the Public Resources Code Section 30103.

I. "Coastal commission" means the California Coastal Commission.

J. "Decision-making authority" means the city officer, planning commission or council approving a coastal development permit.

K. "Executive director" means the executive director of the coastal commission.

L. "Local coastal program" means the city's land use plan, zoning ordinances, zoning maps, and other implementing actions certified by the coastal commission as meeting the requirements of the California Coastal Act of 1976.

M. "Major energy facility" means any energy facility as defined by Public Resources Code Section 30107 and exceeding one hundred thousand dollars in estimated cost of construction.

N. "Major public works project" means any public works project as defined by Title 14 California Code of Regulations Section 13012 and exceeding one hundred thousand dollars in estimated cost of construction.

O. "Permitted use" means any use allowed by right which does not require a public hearing, but does require a discretionary or nondiscretionary permit (e.g., building permit) to be issued by the approving authority.

P. "Other permits and approvals" means permits and approvals, other than a coastal development permit, required to be issued by the approving authority before a development may proceed. (Ord. CS-178 § CXXIX, 2012)
mit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the decision-making authority, provided that the minimum requirements as specified herein are assured. (Ord. CS-178 § CXXIX, 2012)

**21.201.050 Determination of applicable procedures.**

A. The city planner shall determine whether a development is exempt or categorically excluded from the requirements of this chapter, or is nonappealable or appealable to the coastal commission. This determination shall be made with reference to the certified local coastal program, including maps, categorical exclusions, land use designations, and zoning ordinances adopted as part of the certified local coastal program.

B. The city planner shall inform the applicant whether the project is exempt (and whether in the “appealable area,” if not exempt) within ten calendar days of the determination that the application is complete. The written notice to the applicant shall include advice that, if dissatisfied with or if there is a question regarding the determination, the applicant (or city planner) may request the opinion of the coastal commission’s executive director in accordance with 14 Code of California Regulations Section 13569. (Ord. CS-178 § CXXIX, 2012)

**21.201.060 Exemptions and categorical exclusions from minor coastal development permit and coastal development permit procedures.**

A. For the purposes of subsection B.1 of this section, an existing single-family residential building shall include all appurtenances and other accessory structures, including decks, directly attached to the residence; accessory structures or improvements on the property normally associated with residences, such as garages, swimming pools, fences and storage sheds, but not including guest houses or self-contained residential units; landscaping on the lot.

B. Exemptions. The following projects are exempt from the requirements of a minor coastal development permit and coastal development permit:

1. Improvements to existing single-family residential building except:
   a. On a beach, wetland or seaward of the mean high tide line;
   b. Where the residence or proposed improvement would encroach within fifty feet of the edge of a coastal bluff;
   c. On property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance;
   d. On property located in significant scenic resources areas as designated by the commission;
   e. Improvement that would result in an increase of ten percent or more of internal floor area of an existing structure or an additional improvement of ten percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a);
   f. An increase in height by more than ten percent of an existing structure and/or any significant nonattached structure such as garages, fences, shoreline protective works or docks;
   g. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within fifty feet of the edge of a coastal bluff except as provided in subsections B.8, B.9, B.10 and B.11 of this section;
   h. Expansion or construction of water wells or septic systems.

2. Improvements to existing structures other than a single-family residence or public works facility, except:
a. On a beach, wetland, lake or stream or seaward of the mean high tide line;
b. Where the structure or improvement would encroach within fifty feet of the edge of the coastal bluff;
c. On property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance;
d. Any improvement that would increase by ten percent or more the internal floor area of an existing structure, or any additional improvement where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(b), or this section, and the cumulative increase of the improvements is ten percent or more;
e. An increase in height by more than ten percent of an existing structure, including any significant detached accessory structure, such as garages, fences, shoreline protective structures or docks;
f. Any improvement which changes the intensity of use of a structure;
g. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within one hundred feet of the edge of a coastal bluff or stream except as provided in subsections B.8, B.9, B.10 and B.11 of this section;
h. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative, conversion or motel/hotel timesharing conversion;
i. Expansion or construction of water wells or septic systems.

3. Occupancy permits.

4. Harvesting of agricultural crops or other agriculturally related activities specifically defined as permitted uses in the applicable zone, which require no other permits and approvals of the decision-making authority, and are thereby allowable uses herein.

5. Fences for farm or ranch purposes.

6. Water wells, well covers, pump houses, water storage tanks of less than ten thousand gallons capacity and water distribution lines, including up to one hundred cubic yards of associated grading, provided such water facilities are used for onsite agriculturally-related purposes only.

7. Water impoundments located in drainage areas not identified as blue line streams (dashed or solid) on USGS 7½ minute quadrangle maps, provided such impoundments do not exceed twenty-five acre feet in capacity.

8. Water pollution control facilities for agricultural purposes if constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board.

9. Landscaping on the lot unless the landscaping could result in erosion or damage to sensitive habitat areas.

10. Repair or maintenance activities not described in Section 21.201.070 of this chapter.

11. Activities of public utilities as specified in the repair, maintenance and utility hookup exclusion adopted by the coastal commission, September 5, 1978, and as modified from time to time.

C. Categorical Exclusions.

1. A permit issued for a development which is categorically excluded from the coastal development permit requirements pursuant to California Public Resources Code Section 30610, shall be exempt from the requirements of this chapter.

2. The city council may designate by resolution, after a public hearing, categories of development that have no potential for any significant adverse effect, either individually or cumulatively,
coastal resources or on public access to, or along the coast. Development which has been so
designated shall be categorically excluded from the provisions of this chapter. The designation of
any categorical exclusion shall not be effective until the categorical exclusion order has been ap-
proved by the coastal commission.

3. The city planner shall keep a record of all permits issued for such categorically excluded projects.

D. Notice of Categorically Excluded or Exempt Developments. A permit issued by the city for a develop-
ment which is categorically excluded or exempt from the coastal development permit requirements,
shall be exempt from the notice and hearing requirements of this chapter. The city shall maintain a re-
cord for all permits issued for categorically excluded or exempt developments which shall be made
available to the coastal commission or any interested person upon request. This record may be in the
form of any record of permits issued currently maintained by the city; provided, that such record in-
cludes the applicant's name, the location of the project, and brief description of the project. (Ord. CS-
178 § CXXIX, 2012)

21.201.070 Repair and maintenance activities requiring a coastal development permit.

A. All repair and maintenance activities governed by the provisions of this subsection shall be subject to
the permit regulations of the California Coastal Act, including, but not limited to, the regulations govern-
ing administrative and emergency permits. The provisions of this section shall not be applicable to
methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section
30700, unless so provided elsewhere in these regulations. The provisions of this section shall not be
applicable to those activities specifically described in the document entitled Repair, Maintenance and

B. The following repair and maintenance activities require a coastal development permit because they
involve a risk of substantial adverse impact to coastal resources or access.

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater,
groin, culvert, outfall, or similar shoreline work that involves:
   a. Repair or maintenance involving substantial alteration of the foundation of the protective
      work including pilings and other surface or subsurface structures;
   b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other
      beach materials, or any other forms of solid materials, on a beach or in coastal waters,
      streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricul-
      tural dikes within enclosed bays or estuaries;
   c. The replacement of twenty percent or more of the materials of an existing structure with ma-
      terials of a different kind; or
   d. The presence, whether temporary or permanent, of mechanized construction equipment or
      construction materials on any sandy area or bluff or within twenty feet of coastal waters or
      streams.

2. Any method of routine maintenance dredging that involves:
   a. The dredging of one hundred thousand cubic yards or more within a twelve-month period;
   b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat
      area, on any sand area, within fifty feet of the edge of a coastal bluff or environmentally
      sensitive area, or within twenty feet of coastal waters or streams; or
   c. The removal, sale or disposal of dredged spoils of any quantity that would be suitable for
      beach nourishment in an area the coastal commission has declared by resolution to have a
      critically short sand supply that must be maintained for protection of structures, coastal ac-
      cess or public recreational use.
3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, or any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams that include:
   a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
   b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

C. Unless destroyed by natural disaster, the replacement of fifty percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under Public Resources Code Section 30610(d), but instead constitutes a replacement structure requiring a coastal development permit. (Ord. CS-178 § CXXIX, 2012)

21.201.080 Minor coastal development permits and coastal development permits.
A. Application and Fees.
   1. Applications for minor coastal development permits and coastal development permits may be made by the record owner or owners of the property affected or the authorized agent of the owner or owners. The application shall:
      a. Be made in writing on a form provided by the city planner.
      b. State fully the circumstances and conditions relied upon as grounds for the application.
      c. Be accompanied by adequate plans which allow for detailed review pursuant to this chapter, a legal description of the property and all other materials and information specified by the city planner.
   2. At the time of filing the application the applicant shall pay the application fee contained in the most recent fee schedule adopted by city council.
   3. Unless the property has previously been legally subdivided and no further subdivision is required the application shall be accompanied by a tentative map which shall be filed with the city planner in accordance with procedures set forth in Chapter 20.12 of this code. If the project contains four or less lots or units, the application shall be accompanied by a tentative parcel map which shall be filed with the city engineer in accordance with procedures set forth in Chapter 20.24 of this code.
   4. Whenever the development would require a permit or approval under the provisions of this title, notwithstanding this chapter, the application shall include sufficient information to allow review of such permit or approval. Application for all permits or approvals under this title and the coastal development permit may be consolidated into one application.
   5. The city planner may require that the application contain a description of the feasible alternatives to the development or mitigation measures which will be incorporated into the development to substantially lessen any significant effect on the environment which may be caused by the development.
B. Notices and Hearings.
   1. Notice of an application for a minor coastal development permit shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title, except that the notice of a minor coastal development permit for a second dwelling unit shall not allow for the ability to request an administrative hearing.
   2. Notice of an application for a coastal development permit shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title.
C. Decision-Making Authority.
1. Minor Coastal Development Permits.
   a. The city planner may approve, conditionally approve or deny minor coastal development permits for:
      i. Development that costs less than sixty thousand dollars;
      ii. Second dwelling units (no discretionary approval shall be required for second dwelling units);
      iii. Projects that require an administrative village review permit or minor variance, pursuant to Chapter 21.35 of this title.
   b. The city planner may approve or conditionally approve a minor coastal development permit, if the development complies with the following criteria:
      i. The development is consistent with the certified local coastal program as defined in Section 30108.6 of the Coastal Act.
      ii. The development requires no discretionary approvals other than a minor coastal development permit.
      iii. The development has no adverse effect individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
   c. The city planner's decision shall be based upon his or her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
   d. The city planner may approve or conditionally approve a minor coastal development permit if he or she finds that the project complies with the certified local coastal program and, if applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act. If the project is a second dwelling unit, the city planner shall additionally find that the project complies with the provisions of Section 21.10.030 of this title.

2. Coastal Development Permits.
   a. The planning commission may approve, conditionally approve, or deny a coastal development permit for development in the coastal zone that is not subject to subsection C.1 of this section.
   b. The planning commission's decision shall be based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
   c. The planning commission shall hear the matter and may approve or conditionally approve a coastal development permit if it finds that the project complies with the certified local coastal program and, if applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act. (Ord. CS-178 § CXXIX, 2012)

21.201.090 Announcement of decision and notice of final local government action.
   A. When a decision on a minor coastal development permit or coastal development permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing:
      1. In accordance with the provisions of Section 21.54.120 of this title (announcement of decision and findings of fact).
      2. In accordance with Section 13315 of Title 14 of the California Code of Regulations (notice of final local government action). (Ord. CS-178 § CXXIX, 2012)
21.201.120 Effective date and appeal.
A. City planner decisions on minor coastal development permits shall become effective unless appealed in accordance with the provisions of Section 21.54.140 of this title, except that decisions to approve minor coastal development permits for second dwelling units shall not be appealable to the planning commission or city council.
B. Planning commission decisions on coastal development permits shall become effective unless appealed in accordance with the provisions of Section 21.54.150 of this title.
C. Decisions that may be appealed to the coastal commission.
   1. A decision on a minor coastal development permit or coastal development permit made pursuant to this chapter, and which is appealable to the coastal commission pursuant to Section 21.201.130 of this chapter, shall become effective on the tenth working day following the coastal commission’s receipt of the notice of final local government action provided pursuant to Section 21.201.090 of this chapter, unless:
      a. An appeal is filed with the coastal commission in accordance with the coastal commission’s regulations;
      b. The notice of final local government action does not meet the requirements of Sections 21.201.090.A.2 and 21.201.160;
      c. The notice of final local government action is not received in the coastal commission office and/or distributed to interested parties in time to allow for the ten working day appeal period.
   2. Where any of the circumstances in subsections 21.201.120.C.1 through 21.201.120.C.1.c occur, the commission shall, within five calendar days of receiving notice of that circumstance, notify the city and applicant that the effective date of the city action has been suspended. (Ord. CS-178 § CXXIX, 2012)

21.201.130 Developments appealable to the coastal commission.
A. The following developments, due to their type or location, are within the appeal jurisdiction of the coastal commission. Only decisions approving a coastal development permit for these developments are appealable to the coastal commission, unless otherwise noted. Areas subject to appeal jurisdiction are shown on the post LCP certification map which is on file in the planning division.
   1. Developments on property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.
   2. Development on property located within three hundred feet of the top of the seaward face of any coastal bluff, or within one hundred feet of any wetland, estuary or stream.
   3. Developments approved by the city not included within subsections A and B of this section which are located in a sensitive coastal resource area.
   4. Any decision approving or denying a development which constitutes a major public works project or a major energy facility. (Ord. CS-178 § CXXIX, 2012)

21.201.140 Exhaustion of local appeals.
A. An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the coastal commission’s regulations and be an aggrieved person where the appellant has pursued the appeal to the appellate body (bodies) as required by the city appeal procedures; except that exhaustion of all local appeals is not required if any of the following occurs:
   1. The city requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the local coastal program;
2. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision;
3. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this chapter;
4. The city charges an appeal fee for the filing or processing of appeals.

B. Where the project is appealed by any two members of the coastal commission, there shall be no requirement of exhaustion of local appeals. Provided, that notice of coastal commission appeals may be transmitted to the city council (which considers appeals from the planning commission which rendered the final decision), and the appeal to the coastal commission may be suspended pending a decision on the merits by the city council. If the decision of the city council modifies or reverses the previous decision, the coastal commissioners shall be required to file a new appeal from that decision.

C. The appeal to the California Coastal Commission shall be filed at the local district office no later than ten working days after the date of the receipt of the notice of final local action by the local district office. No coastal development permit shall be issued or deemed approved until an appeal, if any, to the Coastal Commission has been resolved. (Ord. CS-178 § CXXIX, 2012)

21.201.150 Public hearing on appealable developments.
At least one public hearing shall be held on each application for an appealable development, (except as provided in Section 21.201.080 for minor coastal development permits) thereby affording any persons the opportunity to appear at the hearing and inform the city of the nature of their concerns regarding the project. Such hearing shall occur no earlier than ten calendar days following the mailing of the notice required in Section 21.54.060. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. (Ord. CS-178 § CXXIX, 2012)

21.201.160 Finality of city action.
A local decision on an application for development shall be deemed final when (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act, and that the required conditions of approval adequate to carry out the certified local coastal plan as provided in the implementing ordinances have been imposed, and (2) when all rights of appeal have been provided as defined in Sections 21.201.130 and 21.201.140. (Ord. CS-178 § CXXIX, 2012)

21.201.190 Emergency coastal development permits.
A. Applications in case of emergency shall be made by letter to the city planner or in person or by telephone, if time does not allow. "Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
B. The following information shall be included in the request:
1. Nature of emergency;
2. Cause of the emergency, insofar as this can be established;
3. Location of the emergency;
4. The remedial, protective or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.
C. The city planner shall verify the facts, including the existence of the nature of the emergency, insofar as time allows.

D. The city planner may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the city planner finds that:
   1. An emergency exists that requires action more quickly than permitted by the procedures for minor coastal permits or for regular permits and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;
   2. Public comment on the proposed emergency action has been reviewed, if time allows; and
   3. The work proposed would be consistent with the requirements of the certified land use plan.

E. The city planner shall report, in writing, to the coastal commission through its executive director and to the city council at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. The report of the city planner shall be informational only; the decision to issue an emergency permit is solely at the discretion of the city planner subject to the provisions of this section. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing. If at that meeting, one-third of the city council so request, the permit issued by the city planner shall not go into effect and the application for a coastal development permit shall be processed in due course in accordance with the procedures set forth in Chapter 21.201.

F. Any request for an emergency permit within the coastal commission area of original jurisdiction as defined in Section 21.201.230 shall be referred to the coastal commission for review and issuance. (Ord. CS-178 § CXXIX, 2012)

21.201.200 Expiration of minor coastal development permits and coastal development permits.
The expiration period for an approved minor coastal development permit or coastal development permit shall be as specified in Section 21.58.030 of this title. (Ord. CS-178 § CXXIX, 2012)

21.201.210 Extensions.
A. The expiration period for an approved minor coastal development permit or coastal development permit may be extended pursuant to Section 21.58.040 of this title, and subject to the following:
   1. An extension may be approved only if it is found that there has been no change of circumstances that may affect the development's consistency with the certified local coastal program or with the policies of Chapter 3 of the Coastal Act, if applicable. (Ord. CS-178 § CXXIX, 2012)

21.201.220 Permit amendment.
An approved minor coastal development permit or coastal development permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § CXXIX, 2012)

21.201.230 Coastal development permits issued by coastal commission.
The coastal commission shall have original jurisdiction for all coastal development permits for development on tidelands, submerged lands and public trust lands, whether filled or unfilled. Such lands are specified as the area of “original jurisdiction” of the coastal commission pursuant to Public Resources Code Section 30519(b), and are shown on the post LCP certification map which is on file in the planning division. The applicant for any project which requires a coastal development permit issued by the coastal commission shall obtain all discretionary approvals required by this code prior to filing an application with the coastal commission for said coastal development permit. (Ord. CS-178 § CXXIX, 2012)
21.201.240 Violations of the Public Resources Code.
Any person who violates any provision of Division 20 of the Public Resources Code shall be subject to the penalties contained in Public Resources Code Article 2, Section 30820 et seq. (Ord. CS-178 § CXXIX, 2012)
Chapter 21.202

COASTAL AGRICULTURE OVERLAY ZONE

Sections:
21.202.080 Proximity of urban development to existing development areas.

The coastal agriculture overlay (CA) zone is established to implement Sections 30170(f), 30171(b), 30241, 30242 and 30250 of the California Coastal Act and the local coastal program land use plan certified on June 1981. This zone recognizes agriculture as a priority use under the Coastal Act and protects that use by establishing mechanisms to assure the continued and renewed agricultural use of agricultural lands. The local coastal program recognizes that long-term agriculture may not be feasible and establishes agriculture as an interim use. Therefore, this zone allows urban development of such lands if specific findings are made or mitigation measures are undertaken. The coastal agriculture zone is an overlay zone; no use shall be allowed on any property zoned coastal agriculture unless such use complies with the provisions of this chapter and with the provisions of any other chapters of this title which are applicable to the property. (Ord. NS-365 § 21, 1996)

For the purposes of this zone, terms used herein are defined as follows:
A. “Coastal agricultural lands” means those agricultural lands identified on Map x attached to the land use plan certified on September 1980. The following are the lands identified on Map x:

<table>
<thead>
<tr>
<th>Approximate Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site II</td>
</tr>
<tr>
<td>Site III</td>
</tr>
<tr>
<td>Site IV</td>
</tr>
<tr>
<td>Lusk</td>
</tr>
<tr>
<td>Bankers</td>
</tr>
<tr>
<td>Hunt</td>
</tr>
<tr>
<td>Carltas</td>
</tr>
</tbody>
</table>

B. “Class I-IV agricultural land” means all land which qualifies for rating as Class I through Class IV in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification.
C. “Class V-VIII agricultural land” means all land which qualified for rating as Class V through Class VIII in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification.
D. “Land division” means the creation of any new property line whether by subdivision or other means.
E. “Net impacted agricultural land” means, for purposes of calculating required mitigation acreage, the parcels and acreages designated on Map x (located in the local coastal program land use plan) and
the 301.38 acre Carltas property suitable for agricultural use minus the acreage in steep slopes (twenty-five percent or greater) and areas containing sensitive coastal resources that would preclude development in addition to any acreage under the control of a public entity for a public recreation or open space use.

F. “Underlying land use designation” means those urban uses which are consistent with the urban land use designation established by the Carlsbad general plan and the local coastal program land use plan, which agricultural lands may be converted in conformance with this chapter.

G. "Urban uses" means any use other than a use permitted by Section 21.202.050 including any use necessary or convenient to urban use. (Ord. NS-365 § 21, 1996)

Coastal agricultural land may be converted from agricultural use and developed for urban use in compliance with the procedures of this chapter. (Ord. NS-365 § 21, 1996)

No development, including but not limited to land divisions, as defined in Section 21.04.108 of this code shall occur without a coastal development permit having first been issued pursuant to Chapter 21.201 of this code. A master plan or a planned development permit processed according to Section 21.202.060 shall be considered a coastal permit if also processed in compliance with Chapter 21.201. (Ord. NS-365 § 21, 1996)

The provisions of this section shall apply to any coastal agricultural land which has not been approved for development pursuant to this chapter.

A. On any Class I through Class IV agricultural land the following uses only are permitted:
   1. Cattle, sheep, goats and swine production; provided, that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Structures for containing animals shall not be located within fifty feet of any habitable structure on the same parcel, nor within three hundred feet of an adjoining parcel zoned for residential uses.
   2. Crop production.
   3. Floriculture.
   4. Horses, private use.
   5. Nursery crop production.
   6. Poultry, rabbits, chinchillas, hamsters and other small animals, provided not more than twenty-five of any one or combination thereof shall be kept within fifty feet of any habitable structure, or within three hundred feet of an adjoining parcel zoned for residential uses.
   7. Roadside stands for display and sale of products produced on the same premises, with a floor area not exceeding two hundred square feet, and located not nearer than twenty feet to any street or highway.
   8. Tree farms.
   9. Truck farms.
  10. Wildlife refuges and game preserves.
  11. Other uses or enterprises similar to the above customarily carried on in the field of general agriculture including accessory uses such as silos, tank houses, shops, barns, offices, coops, stables, corrals, and similar uses required for the conduct of the uses above.
  12. One single-family dwelling per existing legal building parcel.
B. On any Class V through VIII agricultural land the following uses only are permitted:
   1. All of the permitted uses listed above.
   2. Hay and feed stores.
   3. Nurseries, retail and wholesale.
   4. Packing sheds, processing plants and commercial outlets for farm crops, provided that such ac-
      tivities are not located within one hundred feet of any lot line.
   5. Greenhouses, provided all requirements for yard setbacks and height as specified in Chapter
      21.07 of this code are met. (Ord. NS-365 § 21, 1996)

The provisions of this section shall apply to any coastal agricultural land which has not been approved for
development pursuant to this chapter.

   A. The minimum required lot area of any newly created lot shall not be less than ten acres unless the city
council finds that smaller parcel sizes will not adversely affect the agricultural use of the property.
   B. Every newly created lot shall have a minimum width of the rear line of the required front yard of not
      less than three hundred feet.
   C. Every lot shall have a required front yard of forty feet. Except as otherwise provided in Section
      21.202.050 no building or structure shall be located on the required front yard.
   D. Every lot and building site shall have a side yard on each side of the lot or building site not less than
      fifteen feet in width unless otherwise permitted by Section 21.202.050.
   E. Every lot and building site shall have a rear yard of not less than twenty-five feet unless otherwise
   F. No building or structure shall exceed thirty-five feet in height.
   G. Buildings and structures shall not cover more than forty percent of a lot.
   H. All residential structures shall conform to the provisions of Section 21.07.120 of this code. (Ord. NS-
      365 § 21, 1996)

Coastal agricultural lands may be converted from agricultural to urban uses pursuant to the following proce-
dures:

   A. Zoning Approvals:
      1. For property over one hundred acres in area a master plan shall be submitted and processed ac-
         cording to the provisions of Chapter 21.38 of this code. The uses permitted pursuant to the mas-
         ter plan shall be those permitted by the provisions of the Carlsbad general plan and certified local
         coastal program in effect at the time the application is submitted.
      2. For property less than one hundred acres in area, a planned development permit shall be submit-
         ted and processed pursuant to Chapter 21.45 or 21.47 of this code, whichever is applicable. The
         uses permitted pursuant to the planned development permit and the development standards shall
         be as follows:
Land Designation on Carlsbad General Plan

Permitted Uses and Development Standards

Residential low density R-1 40000
Residential low medium density R-1 10000
Residential medium density RD-M
Residential medium to high density RD-M
Planned industrial P-M

(Map Y of the certified local coastal program shows existing permitted land use categories)

B. Development Permitted Based Upon Mitigation of Lands Zoned Coastal Agricultural. A master plan or planned development permit for urban development of lands zoned coastal agriculture shall, in addition to complying with all aspects of the city’s general plan, include the following items:

1. An enforceable, nonrevocable commitment by the property owner to preserve permanently one acre of prime agricultural land within the California coastal zone for each net impacted acre of non-prime coastal agricultural land in the local coastal program proposed for development. The preserved land shall be located in an area selected by the State Coastal Conservancy and approved by the city council. This enforceable commitment shall require, prior to issuance of a building permit, the permanent transfer or dedication of interest in the prime agricultural land to a grantee that is a local or state agency, or a tax exempt organization qualifying under Section 501(c)(3) of the U.S. Internal Revenue Code. Grantees also shall be limited to organizations and agencies whose principal purposes are consistent with the preservation of agriculture.

2. The following documentation pertaining to the prime agricultural land outside the local coastal program that is being permanently preserved:

   a. Parties. Identification of the grantor and grantee (i.e., property owner, and government agency or tax exempt organization having a letter determination from the IRS documenting qualification per Section 501(c)(3) of the Internal Revenue Code).

   b. Legal Description. A legal description of the prime agricultural lands being preserved.

   c. Type and Purpose of Easement. A clear statement defining the type and purpose of the easement or other form of property interest being used to protect prime agriculture. Acceptable interests include, but shall not be limited to, conservation easements, transfers in trust, common law easements, open space easements, restrictive covenants, equitable servitudes, fee ownership or any other permanent restriction approved by the city council.

   d. Statement of Intent. A statement of intent by the grantor shall be submitted declaring an intent to protect agricultural land through the creation of easements or other interests running with the property, and a declaration of intent by the grantee to honor such grantor intent in perpetuity.

   e. Documentation. Maps, reports, aerial photographs shall be incorporated into the easement showing evidence of the agricultural lands that grantor and grantee intend to preserve.

   f. Rights, Restrictions, Permitted Uses and Reservations. Grantee shall demonstrate the necessary authority to monitor and enforce compliance with terms of the agreement as the trustee or guardian. Restrictions shall prescribe all reasonable foreseeable activities that could be potentially harmful to conservation values.

   g. Executory Limitation. Provisions for forfeiture of the easement or interest by the grantee to another qualified organization should the grantee fail to maintain the land for agricultural use, shall be included.

   h. Assignment. Grantee shall agree to hold easements or interests for conservation purposes and guarantee that he or she will not transfer the easement except to an organization qualified to hold such interests under the relevant California and federal laws and the terms of this section.
i. Habendum Clause. The interest in property shall inure to the benefit of the grantee. All restrictions shall bind all subsequent purchasers or title holders of the restricted land and shall continue as a servitude running with the land in perpetuity.

3. Prior to building permit issuance, the property owner shall present to the city manager proof of dedication by grantor and acceptance by grantee of an appropriate interest in prime agricultural lands pursuant to subsection (B)(2) of this section.

C. Urban Development of Lands Shown to be not Feasible for Continued or Renewed Agricultural Use. In lieu of the procedures established by subsection B or subsection D of this section property owners may complete an agricultural feasibility study prior to conversion of lands designated coastal agriculture. The purpose of the feasibility study shall be to determine, consistent with Section 30242 of the Coastal Act, if continued or renewed agriculture is feasible on the subject property.

1. An applicant or group of applicants may complete an agricultural feasibility analysis for one or any combination of the following study areas:

   a. All coastal agricultural lands in the local coastal program area;
   b. Individual feasibility analyses for each of five sub-units in the local coastal program (refer to Map x; located in the local coastal program land use plan);

   \[
   \begin{array}{ll}
   \text{Approximate Acres} \\
   \text{Site II} & 377 \\
   \text{Site III} & 275 \\
   \text{Site IV} & 109 \\
   \text{Lusk/Bankers Site} & 120 \\
   \text{Carltas Site} & 301.38
   \end{array}
   \]
   c. An individual study for the Hunt property may be submitted as part of a submitted master plan for each of its sub-units; or
   d. Feasibility studies may be submitted for contiguous land holdings of one hundred acres or more in single ownership.

2. Feasibility studies submitted for the purpose of determining the viability of continued or renewed agriculture on coastal agricultural parcel(s) shall provide the following:

   a. Description of the farm unit under study including discussions of land capabilities, crop patterns, and minimum economic farm size.
   b. Investment cost analysis including cost of land for agricultural purposes.
   c. Farm unit cash flow analysis (production costs, income, etc.).
   d. Tax considerations relative to feasibility.
   e. Implications of future trends in water cost and availability, land and labor costs, and market competition.

3. Upon completion, the agricultural study shall be submitted to the city for review and approval concurrent with the filing of a master plan or planned development permit.

   a. If the study finds that continued or renewed agriculture is feasible, the property owner has the choice of: (1) maintaining agricultural uses; or (2) proceeding with conversion and mitigation pursuant to the procedures set forth in subsection B of this section.
   b. If the feasibility study finds that continued or renewed agriculture is not feasible and city council concurs, the city shall review the submitted master plan or planned development permit on its merits and for consistency with the other provisions of this code and the local coastal program. If city council determines that the development is in conformance with all provisions of the code and the local coastal program, it may be approved without mitigation for conversion of agricultural land. The approved feasibility study and master plan or
planned development permit approved by the city shall be prepared as a local coastal program amendment and submitted to the Coastal Commission for certification. The master plan, planned development permit or coastal permit shall not be final unless the local coastal program amendment is approved by the Coastal Commission.

D. Agricultural Conversion Mitigation Fee and Expenditure Plan. In lieu of the procedures established by subsection B or subsection C of this section, property may be converted to urban uses upon payment of an agricultural conversion mitigation fee.

1. This fee is separate and distinct from the mitigation fee established by Section 301717.5 of the Public Resources Code, which applies to certain properties outside the Mello I and Mello II segments of the city’s local coastal program, is collected and administered by the State Coastal Conservancy and has different expenditure priorities.

2. The amount of the fee shall be determined by the city council at the time it considers a coastal development permit for urban development of the property. The fee shall not be less than five thousand dollars nor more than ten thousand dollars per net converted acre of agricultural land and shall reflect the approximate cost of preserving prime agricultural land pursuant to subsection B of this section. The fees shall be paid prior to the issuance of building permits for the project. All mitigation fees collected under this section shall be deposited in the City of Carlsbad LCP agricultural mitigation fees fund and shall be expended by the City of Carlsbad subject to the recommendations of an advisory committee to be established by city council action. The advisory committee shall have city and coastal conservancy staff and community representation. The intent is not to establish priorities for program use, but rather to promote equitable distribution amongst the allowable uses outlined below. The advisory committee may also develop policies or procedures for the review of requests and the allocation of funds. The allowable uses for the agricultural mitigation fees are:

   a. Restoration of the coastal and lagoon environment including but not limited to acquisition, management and/or restoration involving wildlife habitat or open space preservation;

   b. Purchase and improvement of agricultural lands for continued agricultural production, or for the provision of research activities or ancillary uses necessary for the continued production of agriculture and/or aquaculture in the city’s coastal zone, including, but not limited to, farm worker housing;

   c. Restoration of beaches for public use including, but not limited to local and regional sand replenishment programs, vertical and lateral beach access improvements, trails, and other beach-related improvements that enhance accessibility, and/or public use of beaches; and

   d. Improvements to existing or proposed lagoon nature centers.

E. Site I Special Restrictions. Notwithstanding anything to the contrary in this chapter, Site I as shown on Map x shall not be converted to urban use except as specifically permitted by the local coastal program provisions for urban development of Site I. (Ord. NS-752 § 1, 2005; Ord. NS-711 § 1, 2004; Ord. NS-365 § 21, 1996)


A. Where a property owner has agreed to preserve prime agricultural land elsewhere in the state coastal zone pursuant to Section 21.202.060 then the city council prior to approval of a master plan or planned development permit must find that:

   1. The conversion would preserve prime agricultural land in a manner consistent with Section 30242 of the Public Resources Code, the certified local coastal plan and this chapter.

   2. The master plan or planned development permit is consistent with the certified local coastal program.
3. Conversion would concentrate urban development consistent with Section 30250 in areas able to accommodate it, and within or adjacent to developed areas.

4. Conversion would be compatible with continued agriculture on adjacent agricultural lands.

5. Consistent with the certified local coastal program and Section 30241 of the Coastal Act, conversion would contribute to limiting conversions of prime agricultural land and create stable urban/rural boundaries within prime agricultural lands located elsewhere in the coastal zone.

B. Where a property owner has elected to complete an agricultural feasibility analysis, and the property owner and city agree, based on that analysis, that continued or renewed agriculture is not feasible on the subject lands, and a city council approved feasibility analysis and master plan/planned development permit must incorporate city findings declaring that:

1. Continued or renewed agriculture is not feasible on the subject parcel(s) and, consistent with Section 30242 of the Coastal Act, conversion of the parcels designated coastal agriculture in the land use plan shall not require the preservation of prime agricultural lands elsewhere in the coastal zone.

2. Development permitted is consistent with the certified local coastal program.

3. Permitted development is compatible with continued agriculture on adjacent agricultural lands.

C. Where a property owner has agreed to pay an agricultural conversion mitigation fee pursuant to Section 21.202.060 then the city council prior to approval of a master plan or planned development permit must find that:

1. The master plan or planned development permit is consistent with the certified local coastal program.

2. Conversion would be compatible with continued agriculture on adjacent agricultural lands.

3. The property owner has executed an agreement to pay the fee and the agreement has been approved by the city council. (Ord. NS-365 § 21, 1996)


Conversions of coastal agricultural lands to urban uses other than those underlying land use designations identified on Map Y may be permitted pursuant to the procedures and findings set forth in Sections 21.202.060 and 21.202.070 subject to the preparation and submission of a local coastal program amendment for Coastal Commission certification. (Ord. NS-365 § 21, 1996)

21.202.080 Proximity of urban development to existing development areas.

Urban development of agricultural lands shall be located:

A. Contiguous with or in close proximity to existing developed areas;

B. In areas with adequate public facilities and services;

C. Where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. (Ord. NS-365 § 21, 1996)
Chapter 21.203

COASTAL RESOURCE PROTECTION OVERLAY ZONE

Sections:

21.203.010 Intent and purpose.
21.203.020 Applicability.
21.203.030 Permit required.
21.203.040 Development standards.

21.203.010 Intent and purpose.
The intent and purpose of the coastal resource protection overlay zone is to:

A. Supplement the underlying zoning by providing additional resource protective regulations within designated areas to preserve, protect and enhance the habitat resource values of Buena Vista Lagoon, Agua Hedionda Lagoon, Batiquitos Lagoon, and steep sloping hillsides;
B. Provide regulations in areas which provide the best wildlife habitat characteristics;
C. Encourage proper lagoon management;
D. Deter soil erosion by maintaining the vegetative cover on steep slopes;
E. Implement the goals and objectives of Sections 30231, 30233, 30240(b) and 30253 of the Public Resources Code and the approved Carlsbad local coastal program. (Ord. NS-365 § 22, 1996)

21.203.020 Applicability.
This chapter implements the California Coastal Act and is applicable to all properties located in the coastal zone as defined in Public Resources Code Section 30171. In case of any conflict between this zone and the underlying zone, provisions of this zone shall apply. (Ord. NS-365 § 22, 1996)

21.203.030 Permit required.
Developments, including but not limited to, land divisions, as defined in Section 21.04.108 require a coastal development permit. This permit is subject to the requirements of this zone and the procedural requirements for coastal development permits of Chapter 21.201 of this code. (Ord. NS-365 § 22, 1996)

21.203.040 Development standards.
The following specific development standards shall be applied to areas within the coastal resource protection overlay zone as part of the coastal development permit. Such standards shall control, notwithstanding the provisions of the underlying zone and shall include:

A. Preservation of Steep Slopes and Vegetation. Any development proposal that affects steep slopes (twenty-five percent inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

1. Outside the Kelly Ranch property, for those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:
   a. Slopes of twenty-five percent grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed ten percent of the steep slope area over twenty-five percent grade may be permitted. For existing legal parcels, with all or nearly all of their
area in slope area over twenty-five percent grade, encroachment may be permitted; however, any such encroachment shall be limited so that at no time is more than twenty percent of the entire parcel (including areas under twenty-five percent slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the city’s circulation element or the development of utility systems. Uses of slopes over twenty-five percent may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

b. No further subdivisions of land or utilization of planned unit developments shall occur on lots that have their total area in excess of twenty-five percent slope unless a planned unit development is proposed which limits grading and development to not more than ten percent of the total site area.

c. Slopes and areas remaining undisturbed as a result of the hillside review process, shall be placed in a permanent open space easement as a condition of development approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community.

d. Notwithstanding subsections a and b of this section, encroachments to slopes of twenty-five percent grade and over may be permitted in order to preserve natural habitat as required by the city’s habitat management plan and the required amount of preservation could not be achieved by strict adherence to the requirements of subsections a and b of this section.

2. Within the Kelly Ranch property, for those slopes possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:

a. Coastal sage scrub and southern maritime chaparral plant communities shall be preserved in their natural state within designated open space areas shown on the LCP Kelly Ranch open space map and addressed in Policy 3-5 of the certified LCP land use plan.

b. The open space shown on the Kelly Ranch open space map shall be secured through conservation easements or dedicated in fee at the time of subdivision approval. The easements shall be granted to the city or other public entity and maintained and managed as part of the LCP Kelly Ranch open space system.

c. Restoration of disturbed areas within the designated open space through revegetation of disturbed areas and enhancement of existing vegetation with native upland species shall be required, in consultation with the Department of Fish and Game, as a condition of subdivision approval. The restoration and enhancement plan shall include a maintenance and monitoring component to assure long-term productivity of the habitat value.

d. Upon dedication of a conservation easement or in fee dedication, or upon recordation of offers to dedicate the Kelly Ranch open space to the city or other public entity, development of steep slopes over twenty-five percent grade may occur in areas outside the designated open space. Such encroachment shall be approved by the Department of Fish and Game and the U.S. Fish and Wildlife Service as consistent with the State and Federal Endangered Species Act. Dedication will assure preservation of a viable upland habitat corridor and scenic hillsides.

e. Roads in Open Space. Access roads shall be a permitted use within designated open space subject to an approved coastal development permit, only when necessary to access flatter areas and when designed to be the least environmentally damaging feasible alternative. Wildlife corridors shall be required when necessary to facilitate wildlife movement through the open space area.
f. Siting/Parking. Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated to minimize paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site.

g. Brush Management. A fire suppression plan shall be required for all residential development adjacent to designated open space subject to approval by the city fire department. The fire suppression plan shall incorporate a combination of building materials, sufficient structural setbacks from native vegetation and selective thinning designed to assure safety from fire hazard, protection of native habitat, and landscape screening of the residential structures. No portions of brush management Zones 1 and 2 as defined in the city landscape manual shall occur in designated open space areas. Zone 3 may be permitted within designated open space upon written approval of the fire department and only when native fire retardant planting is permitted to replace high and moderate fuel species required to be removed.

3. For all other steep slope areas, the city council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:
   a. A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigatable for at least seventy-five years, or life of structure.
   b. Grading of the slope is essential to the development intent and design.
   c. Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas.
   d. If the area proposed to be disturbed is predominated by steep slopes and is in excess of ten acres, no more than one-third of the total steep slope area shall be subject to major grade changes.
   e. If the area proposed to be disturbed is predominated by steep slopes and is less than ten acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.
   f. Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

B. Drainage, Erosion, Sedimentation, Habitat.

1. Buena Vista Lagoon. Developments located along the first row of lots bordering Buena Vista Lagoon, including the parcel at the mouth of the lagoon, shall be designated for residential development at a density of up to four dwelling units per acre. Proposed development in this area shall be required to submit topographic and vegetation mapping and analysis, as well as soils reports, as part of the development permit application. Such information shall be provided in addition to any required environmental impact report, and shall be prepared by qualified professionals and in sufficient detail to locate the boundary of wetland and upland areas and areas of slopes in excess of twenty-five percent. Topographic maps shall be submitted at a scale sufficient to determine the appropriate developable areas, generally not less than a scale of one inch equals one hundred feet with a topographic contour interval of five feet, and shall include an overlay delineating the location of the proposed project. The lagoon and wetland area shall be delineated and criteria used to identify any wetlands existing on the site shall be those of Section 30121 of the Coastal Act and based upon the standards of the local coastal program mapping regulations. Mapping of wetlands and siting of development shall be done in consultation and subject to the approval of the Department of Fish and Game. Development shall be clustered to preserve open space for habitat protection. Minimum setbacks of at least one hundred feet from wetlands/lagoon shall be required in all development, in order to buffer such sensitive habitat area from intrusion. Such
buffer areas, as well as other open space areas required in permitted development to preserve habitat areas, shall be permanently preserved for habitat uses through provision of an open space easement as a condition of project approval. In the event that a wetland area is bordered by steep slopes (in excess of twenty-five percent) which will act as a natural buffer to the habitat area, a buffer area of less than one hundred feet in width may be permitted. The density of any permitted development shall be based upon the net developable area of the parcel, excluding any portion of a parcel which is in wetlands or lagoon. As specified in subsection A of this section, a density credit may be provided for that portion of the parcel which is in steep slopes. Storm drain alignments as proposed in the City of Carlsbad Drainage Master Plan which would be carried through or empty into Buena Vista Lagoon shall not be permitted, unless such improvements comply with the requirements of Sections 30230, 30231, 30233 and 30235 of the Coastal Act by maintaining or enhancing the functional capacity of the lagoon in a manner acceptable to the State Department of Fish and Game. Land divisions shall only be permitted on parcels bordering the lagoon pursuant to a single planned development permit for the entire original parcel.

2. Batiquitos Lagoon Watershed. Development located east of I-5 (generally referred to as the Savage property) shall be designated for a maximum density of development of eight units per gross acre, excluding wetlands and constrained slopes. Development shall take place according to the requirements of the P-C planned community zone, Chapter 21.38, supplemented by these additional requirements. Land divisions shall only be permitted pursuant to a master plan for the entire original parcel subject to the requirements herein:
   a. Drainage, erosion and sedimentation requirements shall be as specified in subsection (B)(4) of this section.
   b. Detailed topographic maps shall be prepared by qualified professionals including biologists, hydrologists and engineers in sufficient detail to locate the boundary of lagoon or wetland and upland areas. The scale shall not be less than one inch equals one hundred feet with a contour interval of five feet, and shall include an overlay delineating the location of the development. The lagoon and wetland areas shall be delineated according to the requirements of Section 30121 of the Coastal Act and the local coastal program mapping regulations, subject to the review and approval of the State Department of Fish and Game.
   c. Development shall be clustered to preserve open space and habitat.
   d. A minimum setback of one hundred feet from the lagoon/wetland shall be required.
   e. At least two-thirds of any development shall be clustered on the half of the property furthest away from the lagoon at the base of the bluff in order to preserve the outstanding visual and natural resources.
   f. Existing mature trees shall be preserved.
   g. Public recreation facilities shall be provided as a condition of development including picnic tables, parking, and a public access trail along the lagoon shore. The trail shall be secured by an irrevocable offer to dedicate public access but shall be developed and landscaped as a condition of development and shall be at least fifteen feet wide with unobstructed views of the lagoon.
   h. To facilitate provision of public use areas and preservation of environmentally sensitive lands, and to maintain the outstanding visual resources in the area surrounding the lagoon, an additional density credit of one dwelling unit per acre of developed land shall be provided for each two and one-half percent of total lot area, excluding wetlands, which is maintained in open space and public recreation in excess of fifty percent of the total lot area, excluding wetlands.

3. Areas West of I-5. For areas west of the existing Paseo del Norte, west of Interstate 5 and along El Camino Real immediately upstream of the existing storm drains, the following policy shall apply:
a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the city’s grading ordinance, stormwater ordinance, standard urban stormwater mitigation plan (SUSMP) dated April 2003, and as amended, and the City of Carlsbad Drainage Master Plan, as those documents are certified as part of the city’s LCP; (2) the city’s jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP; and (3) the additional requirements contained herein. Such mitigation shall become an element of the project, and shall be installed prior to the initial grading.

b. In addition, the following standards shall apply:

i. Priority projects identified in the SUSMP will incorporate structural best management practices (BMPs) and submit a water quality technical report as specified in the National Pollutant Discharge Elimination System (NPDES) permit and in the SUSMP;

ii. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook, dated January 2003, or the current version of that publication, and designed to infiltrate, filter or treat the runoff produced from each storm event up to and including the eighty-fifth percentile twenty-four hour storm event;

iii. Priority projects will include projects increasing impervious area by more than two thousand five hundred square feet or by more than ten percent of existing impervious area, that are in, adjacent to or drain directly to environmentally sensitive areas (ESA), identified in the City of Carlsbad Standard Urban Stormwater Mitigation Plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP;

iv. The city shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project;

v. The city will encourage and support public outreach and education regarding the potential water quality impacts of development;

vi. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible;

vii. Projects within two hundred feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than two thousand five hundred square feet of impermeable surface or increase the impermeable surface on the property by more than ten percent;

viii. Although residential developments of less than ten units, including single-family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within two hundred feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable;

ix. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within two hundred feet of an ESA, coastal bluffs or rocky intertidal areas.
c. Mitigation shall require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and any amendments to them for the area between the project site and the lagoon (including the debris basin), as well as revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the city declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allocates costs among the various landowners in an equitable manner.

4. All Other Areas in the Coastal Zone.

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the city’s grading ordinance, stormwater ordinance, standard urban stormwater mitigation plan (SUSMP) dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan, as those documents are certified as part of the city's LCP; (2) the city’s jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP; and (3) the additional requirements contained herein. Such mitigation shall become an element of the project and shall be installed prior to the initial grading.

b. In addition, the following standards shall apply:

i. Priority projects identified in the SUSMP will incorporate structural best management practices (BMPs) and submit a water quality technical report as specified in the National Pollutant Discharge Elimination System (NPDES) permit and in the SUSMP;

ii. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook, dated January 2003, or the current version of that publication, and designed to infiltrate, filter or treat the runoff produced from each storm event up to and including the eighty-fifth percentile twenty-four hour storm event;

iii. Priority projects will include projects increasing impervious area by more than two thousand five hundred square feet or by more than ten percent of existing impervious area, that are in, adjacent to or drain directly to environmentally sensitive areas (ESA), identified in the City of Carlsbad standard urban stormwater mitigation plan (SUSMP) dated April 2003, using the definitions of “adjacent to” and “draining directly to” that are found in the SUSMP;

iv. The city shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project;

v. The city will encourage and support public outreach and education regarding the potential water quality impacts of development;

vi. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible;

vii. Projects within two hundred feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Waters within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than two thousand five hundred square feet of impermeable surface or increase the impermeable surface on the property by more than ten percent;

viii. Although residential developments of less than ten units, including single-family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing
standard, if they are in, within two hundred feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable;

ix. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within two hundred feet of an ESA, coastal bluffs or rocky intertidal areas.

c. Mitigation shall also require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments to it. No subsequent amendments are a part of this zone unless certified by the coastal commission. The general provisions, procedures, standards, content of plans and implementation contained with them are required conditions of development in addition to the provisions below. Approved development shall include the following conditions, in addition to the requirements specified above:

i. All off-site, downstream improvements (including debris basin and any other improvements recommended in the City of Carlsbad Drainage Master Plan) shall be constructed prior to the issuance of a grading permit on-site. Improvements shall be inspected by city or county staff and certified as adequate and in compliance with the requirements of the drainage plan and the additional requirements of this zone. If the city or county declines to accept maintenance responsibility for the improvements, the developer shall maintain the improvements during construction of the on-site improvements;

ii. If the off-site or on-site improvements are not to be accepted and maintained by a public agency, detailed maintenance agreements including provisions for financing the maintenance through bonding or other acceptable means shall be secured prior to issuance of the permit. Maintenance shall be addressed in the report required to be submitted with the permit application. The report shall discuss maintenance costs and such costs shall be certified as a best effort at obtaining accurate figures;

iii. Construction of off-site grading improvements may use an assessment district or any other acceptable manner of financing. Such mechanisms shall be secured by bonding or other acceptable means prior to issuance of a coastal development permit;

iv. If a public agency agrees to accept maintenance responsibilities, it shall inspect the facilities prior to on-site construction or grading and indicate if such facilities assure continued maintenance. No on-site development may take place prior to acceptance of the drainage improvements;

v. All areas disturbed by grading shall be planted within sixty days of initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods;

vi. Storm drainage facilities in developed areas shall be improved and enlarged according to City of Carlsbad Drainage Master Plan, incorporating the changes specified in this section. Improvement districts shall be formed for presently undeveloped areas which are expected to urbanize in the future. The improvement districts shall implement City of Carlsbad Drainage Master Plan. Upstream areas in the coastal zone shall not be permitted to develop incrementally prior to installation of the storm drain facilities downstream, in order to assure protection of coastal resources. New drainage facilities, required within the improvement districts shall be financed either by some form of bond or from fees collected from developers on a cost-per-acre basis;

vii. When earth changes are required and natural vegetation is removed, the area and duration of exposure shall be kept at a minimum;
viii. Soil erosion control practices shall be used against “on-site” soil erosion. These include keeping soil covered with temporary or permanent vegetation or with mulch materials, special grading procedures, diversion structures to divert surface runoff from exposed soils, and grade stabilization structures to control surface water;

ix. Apply “sediment control” practices as a perimeter protection to prevent off-site drainage. Preventing sediment from leaving the site should be accomplished by such methods as diversion ditches, sediment traps, vegetative filters, and sediment basins. Preventing erosion is, of course, the most efficient way to control sediment runoff.

d. In addition, the following shall apply to development within Kelly Ranch:

New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or best management practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:

Residential Development. Development plans for, or which include, residential housing development with greater than ten housing units shall include a drainage and pollution runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the eighty-fifth percentile twenty-four hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

i. Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and/or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;

ii. Use porous materials for or near walkways and driveways where feasible;

iii. Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways;

iv. Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media devices, where feasible. Selected filter elements shall be designed to (1) trap sediment, particulates and other solids; and (2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner;

v. Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal);

vi. The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project.

Parking Lots. Development plans for, or which include parking lots greater than five thousand square feet in size and/or with twenty-five or more parking spaces, susceptible to stormwater, shall incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the stormwater conveyance system, or any receiving water body. Options to meet this requirement include the use of vegetative
filter strips or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a combination of these. Selected BMPs shall be designed to collectively infiltrate, filter or treat the volume of runoff produced by each and every storm event up to and including the eighty-fifth percentile twenty-four hour runoff event. BMPs shall be engineered and constructed in accordance with the guidance and specifications provided in the California Stormwater Best Management Handbooks (Commercial and Industrial).

All Development. A public education program shall be designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs.

A landscape management plan shall be created that includes herbicide/pesticide management. Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets are consistent with local and regional standards. Such measures shall be required as a condition of coastal development permit approval at the subdivision stage.

C. Landslides and Slope Instability. Developments within five hundred feet of areas identified generally in the PRC Toups report, Figure 8, as containing soils of the La Jolla group (susceptible to accelerated erosion) or landslide prone areas shall be required to submit additional geologic reports containing the additional information required in the coastal shoreline development overlay zone.

D. Seismic Hazards. Development in liquefaction-prone areas shall include site-specific investigations done addressing the liquefaction problem and suggesting mitigation measures. New residential development in excess of four units, commercial, industrial, and public facilities shall have site-specific geologic investigations completed in known potential liquefaction areas.

E. Floodplain Development. Within the coastal zone, in the one hundred-year floodplain, no new or expanded permanent structures or fill shall be permitted. Only uses compatible with periodic flooding shall be allowed.

F. Reserved.

G. Within the Kelly Ranch, scenic public views from Interstate 5, Cannon Road and Agua Hedionda Lagoon shall be preserved, as feasible, through the following measures:

1. Landscaping and Setbacks. Use of trees or fire-retardant vegetation with substantial height as a landscape screen and/or setbacks from the ridgelines and open space areas;

2. Building Colors. Exterior wall and roof colors shall be of low-intensity earth or vegetative tones. Stucco with accent materials such as tile, natural stone, or other compatible natural building materials shall be preferred. Roof colors shall be low-intensity colors which blend with the environmental setting of the project;

3. Residential Building Height. Maximum height limits and variation in roof heights shall be utilized, as necessary, to minimize visibility of structures from scenic public roadways, public vista points and public trails.

H. Within the Kelly Ranch, landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space by incorporation of the following measures:

1. All residential development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or noninvasive and drought tolerant to the maximum extent feasible. Ornamental (noninvasive) vegetation shall be permitted in the interior of residential subdivisions only;

2. Approved landscaping shall be installed immediately upon completion of construction and maintained by the property owners in good growing condition for the life of the development;

3. Landscape screening of structures, including specimen trees and fire-retardant vegetation of substantial height, shall be required to screen and soften the view of structures from Interstate 5, Cannon Road, Agua Hedionda Lagoon, public trails and public vista points;
4. The landscape treatment shall cause the development to blend in with the natural setting and present a visually cohesive appearance as viewed from Agua Hedionda Lagoon, Cannon Road and Interstate 5. (CS-005 §§ 2—8, 2008; Ord. NS-801 §§ 1, 2, 2006; Ord. NS-783 § 6, 2006; Ord. NS-589 §§ 1—8, 2001; Ord. NS-365 § 22, 1996)
Chapter 21.204

COASTAL SHORELINE DEVELOPMENT OVERLAY ZONE

Sections:

21.204.010 Intent and purpose.
21.204.020 Application.
21.204.030 Permitted beach uses.
21.204.040 Conditional beach uses.
21.204.050 Uses not on the beach subject to coastal shoreline development permit.
21.204.060 Requirements for public access.
21.204.070 Special access requirements for developments or new developments on sites containing evidence of historic public use.
21.204.080 Mechanism for guaranteeing public access.
21.204.090 Site plans required.
21.204.100 Site plan review criteria.
21.204.110 Geotechnical reports.
21.204.120 Waiver of public liability.

21.204.010 Intent and purpose.
The coastal shoreline development overlay zone is intended to provide land use regulations along the coastline area including the beaches, bluffs, and the land area immediately landward thereof. The purpose of the coastal shoreline development zone is to provide for control over development and land use along the coastline so that the public's interest in maintaining the shoreline as a unique recreational and scenic resource, promoting public safety and access, and in avoiding the adverse geologic and economic effect of bluff erosion, is adequately protected. (Ord. NS-365 § 22, 1996)

21.204.020 Application.
The coastal shoreline development overlay zone shall be applied to areas within the Mello II Segment of the Carlsbad local coastal program located between the sea and the first public road parallel to the sea. (Ord. NS-365 § 22, 1996)

21.204.030 Permitted beach uses.
Permitted uses and developments are limited to the following uses and require a coastal development permit according to the requirements of this zone:

A. Steps and stairways for access from the top of the bluff to the beach.
B. Toilet and bath houses.
C. Parking lots, only if identified as an appropriate use in the local coastal program Mello II Segment land use plan (see Policy 2-3).
D. Temporary refreshment stands, having no seating facilities within the structure.
E. Concession stands for the rental of surfboards, air mattresses and other sports equipment for use in the water or on the beach.
F. Lifeguard towers and stations and other lifesaving and security facilities.
G. Fire rings and similar picnic facilities.
H. Trash containers.
I. Beach shelters. (Ord. NS-365 § 22, 1996)
21.204.040  Conditional beach uses.
A. Uses substantially similar to the permitted uses listed above may be permitted on the beach subject to this chapter and Chapters 21.42 and 21.50.
B. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. As a condition of approval, permitted shoreline structures may be required to replenish the beach with imported sand.
Provisions for the maintenance of any permitted seawalls shall be included as a condition of project approval. As a further condition of approval, permitted shoreline structures shall be required to provide public access. Projects which create dredge spoils shall be required to deposit such spoils on the beaches if the material is suitable for sand replenishment. Seawalls shall be constructed essentially parallel to the base of the bluff and shall not obstruct or interfere with the passage of people along the beach at any time. (Ord. NS-365 § 22, 1996)

21.204.050  Uses not on the beach subject to coastal shoreline development permit.
Uses permitted by the underlying zone map may be permitted on non-beach areas subject to granting of a coastal development permit for coastal shoreline development issued pursuant to the procedures of Chapter 21.201 of this title, unless specifically prohibited by policies or other applicable ordinances in the approved Carlsbad local coastal program. "Non beach areas" are defined as areas at elevations of ten feet or more above mean sea level (North American Datum, 1929). Permitted uses are subject to the following criteria:
A. Grading and Excavation. Grading and excavation shall be the minimum necessary to complete the proposed development consistent with the provisions of this zone and the following requirements:
1. Building sites shall be graded to direct surface water away from the top of the bluff, or, alternatively, drainage shall be handled in a manner satisfactory to the city which will prevent damage to the bluff by surface and percolating water.
2. No excavation, grading or deposit of natural materials shall be permitted on the beach or the face of the bluff except to the extent necessary to accomplish construction pursuant to this section.
B. New development fronting the ocean shall observe at a minimum, an ocean setback based on a "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than those allowed by a line drawn between the adjacent structure to the north and south; no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structures to the north and south. A greater ocean setback may be required for geologic reasons and if specified in the local coastal program. (Ord. NS-365 § 22, 1996)

21.204.060  Requirements for public access.
One or more of the following types of public access shall be required as a condition of development:
A. Lateral Public Access.
1. Minimum Requirements. Developments shall be conditioned to provide the public with the right of access to a minimum of twenty-five feet of dry sandy beach at all times of the year. The minimum requirement applies to all new developments proposed along the shoreline requiring any type of local permit including a building permit, minor land division or any other type of discretionary or nondiscretionary action.
2. Additional Requirements. New developments as specified below shall be conditioned to provide the public with lateral public access in addition to minimum requirements.
   a. Applicability.
      (1) Seawalls and other shoreline protective devices.
(2) Developments on parcels where there is evidence of historic public use. In such areas the amount and location of additional access shall be equal to the amount and extent of public use.

(3) Development which either by itself or in conjunction with anticipated future projects adversely affects existing public access by overcrowding of major coastal access roads or existing beach areas.

(4) Development which commits ocean front lands to nonpriority uses such as residential uses, non-visitor, or non-coastally oriented commercial and industrial uses.

(5) Access as identified in the local coastal program. Developments adjacent to Buena Vista Lagoon (see Policy 7-6 of the local coastal program Mello II Segment land use plan) and the parcel located at extreme north end of Ocean Street (see Policy 7-8 of the local coastal program Mello II Segment land use plan).

b. Required Standards. In determining the amount and type of additional lateral public access to be required (e.g., area for additional parking facilities, construction of improvements to be made available to the public, increased dry sandy beach area, or type of use of the dry sandy beach) the city shall make findings of fact considering all of the following:

(1) The extent to which the development itself creates physical and visual impediments to public access which has not been mitigated through revisions in design or plan changes.

(2) The extent to which the development discourages the public from visiting the shoreline because of the physical and visual proximity of the development to the shoreline.

(3) The extent to which the development burdens existing road capacity and onstreet parking areas thereby making it more difficult to gain access to and use of the coast by further congesting access roads and other existing public facilities such as beaches, parks and road or sewer capacities.

(4) The extent to which the development increases the intensity of use of existing beach and upland areas, thereby congesting current support facilities.

(5) The potential for physically impacting beach and other recreational areas inherent in the project affecting shoreline wave and sand movement processes.

B. Bluff Top Access.

1. Minimum Requirements. Development adjacent to a shorefront bluff top lot where no beach exists or where beach is inaccessible because stairways have not or cannot be provided, shall be conditioned to provide the public with the right of access of at least twenty-five feet along the current bluff edge for coastal scenic access to the shoreline. The minimum requirement applies to all new developments proposed on bluff tops along the shoreline requiring any type of local permit including a building permit, a minor subdivision or any other type of discretionary or non-discretionary action.

2. Additional Requirements. New developments along the bluff top area which result in additional burdens to public access to the shoreline shall be conditioned to provide the public with public access such as view points in addition to the requirements specified above.

3. Description of Accessway. The bluff top access shall be described as an area beginning at the current bluff edge extending at least twenty-five feet inland. Due to the potential for erosion of the bluff edge, the area shall be adjusted inland to the current bluff edge as the edge recedes. However, the easement shall not extend any closer than ten feet from an occupied residential structure or the distance specified in the certified local coastal program. The area shall be legally described with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner: "Such easement shall be located along the bluff top measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the
location of this right-of-way would change over time with the then current bluff edge, but in no case shall it extend any closer than feet from (a fixed inland point, such as a road or other easement monument)."

C. Vertical Access.
   1. Requirements. Development between the first public road and the sea may be required to provide both lateral and vertical access.
   2. Standards for Determining if Vertical Access is to be Required. The city shall review all of the following factors in determining whether vertical access is required. The determination shall be supported by findings of fact which consider all of the following:
      a. Existing and anticipated public need to gain access to the shoreline including the location and use of currently existing official accessways in the vicinity.
      b. Physical constraints of the site, including availability of sandy beach, safety and current use, and habitat values proximity to agricultural areas, military security.
      c. Ability to provide for public use by mitigating time and location of such use.
      d. Location and necessity of support facilities. If suitable parking areas do not exist, vertical accessways will be required at frequent intervals, so that parking will be spaced in the area at an even rate.
      e. Privacy needs of property owner and site design changes which are available to protect privacy.
      f. Nature of the development proposed in relation to its impact on public access.
   3. Types of Use of Vertical Access Area. The vertical access required as a condition of development shall be limited to the public right-of-pass and repass unless another type of use is specified as a condition of the development. In determining if another type of use is appropriate, the local government shall consider the specific factors enumerated in this section.
   4. Siting and Description of the Accessway. If possible, vertical accessways shall be sited along the border of the development and shall extend from the road to the bluff edge or shoreline. If a different siting of the accessway is more appropriate considering the topography of the site and the design of the proposed project, the vertical accessway may be resited in the middle of the parcel. If sited in the middle of a parcel, the property shall be surveyed at the landowner’s expense and a legal description shall be prepared. If a residential structure is proposed, the accessway should not be sited closer than five feet to the structure or the distance specified in the certified local coastal program. The vertical accessway shall be a minimum of ten feet in width to allow for public pedestrian use of the corridor. Any accessway shall be legally described prior to issuance of the coastal development permit.
   5. Vertical Accessways Identified in the Mello II Segment of Carlsbad’s Local Coastal Program.
      a. Vacant parcel adjacent to Army/Navy Academy at Del Mar Street.
      b. South Carlsbad State Beach at intersection of Carlsbad Boulevard and Palomar Airport Road.
      c. Vacant parcel at Ocean Street. (Ord. NS-365 § 22, 1996)

21.204.070 Special access requirements for developments or new developments on sites containing evidence of historic public use.
If the certified local coastal program or the permit process produces evidence of historic public use on a development site located in the coastal zone, development shall be required to meet all of the following requirements:
A. Siting and Design of Development.
1. Development shall be sited and designed in a manner which does not interfere or diminish the potential public rights based on historic public use. Mechanisms for guaranteeing the continued public use of the site shall be required in accordance with Section 21.204.080; or

2. Development may be sited in the area of potential historic public use provided that an area of equivalent public access has been provided in the immediate vicinity of the development site which will accommodate the same type and intensity of use as previously may have existed on the development site. An equivalent access area shall provide access of comparable site, and type of use. Mechanisms for guaranteeing the continued public use of the area shall be required in accordance with Section 21.204.080.

B. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. In permits with possible prescriptive rights, the following language shall be added to the access condition: “Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement.” In addition, findings shall be made which specifically address the prescriptive rights issue.

C. The certified local coastal program indicates evidence of historic use on parcels located seaward of Carlsbad Boulevard adjacent to Buena Vista Lagoon. Other areas may also be subject to such use. (Ord. NS-365 § 22, 1996)

21.204.080 Mechanism for guaranteeing public access.
A. Legal Instruments Required. Prior to the issuance of a permit for development in the coastal zone between the first public road and the sea, each applicant shall record one of the following legal documents as specified in the condition of approval.

1. Irrevocable Offer to Dedicate. Prior to issuance of a development permit, the landowner shall submit a preliminary title report and shall record an irrevocable offer to dedicate an easement or fee interest free of prior liens and encumbrances except tax liens in the public accessway as described in the permit condition. This offer can be accepted by an appropriate agency which may or may not be the local government within twenty-one years.

2. Outright Grant of Fee Interest or Easement. If the parcel is important in and of itself for access needs, the size and scope of the proposed development is such that an outright interest is appropriate, or there is an accepting agency available to accept the easement (as in subdivision map approvals), a grant of an easement or fee is required prior to issuance of the permit.

3. Deed Restrictions. Deed restrictions do not grant any interest in land proposed for public access and the landowner retains all responsibility for the maintenance of the accessway. Deed restrictions are appropriate in limited situations, e.g., in a large residential development where the accessways will mostly be used by residents and a homeowners association is available to maintain the accessway or in commercial facilities. Deed restrictions are not appropriate for small parcels or for accessways that will require public maintenance.

B. Title Information. As a condition to the issuance of the permit, the applicant shall be required to furnish an ALTA title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use elsewhere in the vicinity.

C. Procedure. Copies of the recorded document, title report, and permit shall be forwarded to the California Coastal Commission by the applicant within ten days after submission of the recorded document for preparation of the coastal access inventory as required by Section 30530 of the Coastal Act. The accepting agency or Commission staff may make minor revisions to the documents (such as corrections in the legal descriptions, minor revisions to the location and use of the accessways in order to open the area up for public use) to assure that the public right-of-access along dry sandy beaches, bluff top parcels, or the vertical accessways is protected and capable of being implemented. (Ord. CS-102 § CXXXI, 2010; Ord. NS-365 § 22, 1996)
21.204.090  Site plans required.
Applications for site plan review shall be accompanied by such data and information as may be required by the city planner including maps, plans, drawings, sketches and documented material as is necessary to show:

A. Boundaries and Topography. Boundaries and existing topography of the property, location of bluff line and beach, and adjoining or nearby streets;

B. Existing Structures. Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

C. Proposed Structures. Location, height and proposed use of all proposed structures, including walls, fences and freestanding signs, and location and extent of individual building sites;

D. Circulation. Location and dimensions of ingress and egress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

E. Drainage. Location and treatment of important drainage ways, including underground drainage systems;

F. Finished Topography. Proposed grading and removal of placement of natural materials, including finished topography of the site; and

G. Landscaping. Proposed landscaping plan including location of game courts, swimming pools and other landscape or activity features. (Ord. CS-164 § 10, 2011; Ord. NS-365 § 22, 1996)

21.204.100  Site plan review criteria.
The site plans required by Section 21.204.090 shall be reviewed and evaluated by the city planner for conformance with the following criteria:

A. Coastal Development Regulations. All elements of the proposed development are consistent with the intent and purpose of the coastal shoreline development overlay zone.

B. Appearance. Buildings and structures will be so located on the site as to create a generally attractive appearance and be agreeably related to surrounding development and the natural environment.

C. Ocean Views. Buildings, structures, and landscaping will be so located as to preserve to the degree feasible any ocean views as may be visible from the nearest public street.

D. Retention of Natural Features. Insofar as is feasible, natural topography and scenic features of the site will be retained and incorporated into the proposed development.

E. Grading and Earth-Moving. Any grading or earth-moving operations in connection with the proposed development are planned and will be executed so as to blend with the existing terrain both on and adjacent to the site.

F. Public Access. The policies of the local coastal program pertaining to public access have been carried out. (Ord. CS-164 § 10, 2011; Ord. NS-365 § 22, 1996)

21.204.110  Geotechnical reports.
A. Geotechnical reports shall be submitted to the city planner as part of an application for plan approval. Geotechnical reports shall be prepared and signed by a professional civil engineer with expertise in soils and foundation engineering, and a certified engineering geologist or a registered geologist with a background in engineering applications. The report document shall consist of a single report, or separate but coordinated reports. The document should be based on an onsite inspection in addition to a review of the general character of the area and it shall contain a certification that the development as proposed will have no adverse effect on the stability of the bluff and will not endanger life or property, and professional opinions stating the following:
1. The area covered in the report is sufficient to demonstrate the geotechnical hazards of the site consistent with the geologic, seismic, hydrologic and soil conditions at the site;
2. The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake;
3. The effect the project could have on the stability of the bluff.

B. As a minimum the geotechnical report(s) shall consider, describe and analyze the following:
1. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site.
2. Historic, current and foreseeable cliff erosion including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport.
3. Geologic conditions, including soil, sediment and rock types and characteristics and structural features, such as bedding, joints and faults.
4. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.
5. Impact of construction activity on the stability of the site and adjacent area.
6. Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage effluent and irrigation water to the ground water system, alterations in surface drainage).
7. Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design).
8. Effects of marine erosion on seacliffs.
9. Potential effects of earthquakes including:
   a. Ground shaking caused by maximum credible earthquake;
   b. Ground failure due to liquefaction, lurching, settlement and sliding; and
   c. Surface rupture.
10. Any other factors that might affect slope stability.
11. The potential for flooding due to sea surface super elevation (wind and wave surge, low barometric pressure and astronomical tide), wave run-up, tsunami and river flows. This potential should be related to one-hundred and five-hundred-year recurrence intervals.
12. A description of any hazards to the development caused by possible failure of dams, reservoirs, mudflows or slides occurring off the property and caused by forces or activities beyond the control of the applicant.
13. The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake.
14. The effect the project could have on the stability of the bluff.
15. Mitigating measures and alternative solutions for any potential impact.

The report shall also express a professional opinion as to whether the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability throughout the lifespan of the project. The report shall use a currently acceptable engineering stability analysis method, shall describe the degree of uncertainty of analytical results due to assumptions and unknowns, and at a minimum, shall cover an area from the toe of the bluff inland to a line described on the bluff top by the intersection of a plane inclined at a twenty-degree angle from horizontal passing
through the toe of the bluff or fifty feet inland from the bluff edge, whichever is greater. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project. If the report does not conclude that the project can be designed and the site be found to be geologically stable, no coastal shoreline development permit shall be issued. (Ord. CS-164 § 10, 2011; Ord. NS-365 § 22, 1996)

21.204.120 Waiver of public liability.
As part of the coastal development permit for a coastal shoreline development, the following requirement shall be completed:

That prior to the transmittal of the coastal development permit, the applicant shall submit to the city planner a deed restriction for recording, free of prior liens except for tax liens, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the city planner. The deed restriction shall provide:

A. That the applicants understand that the site may be subject to extraordinary hazard from waves during storms, from erosion, and from landslides, and the applicants assume the liability from those hazards;

B. The applicants shall unconditionally agree to indemnify and hold the city harmless from liability for any damage from such hazards; and

C. The applicants understand that construction in the face of these probable hazards may make them ineligible for public disaster funds or loans for repair, replacement or rehabilitation of the property in the event of storms and landslides. (Ord. CS-164 § 10, 2011; Ord. CS-102 § CXXXII, 2010; Ord. NS-365 § 22, 1996)
Chapter 21.205

COASTAL RESOURCE OVERLAY ZONE MELLO I LCP SEGMENT

Sections:

21.205.010 Intent and purpose.
21.205.020 Authority—Conflict.
21.205.030 Permits—Required.
21.205.040 Maximum density of development.
21.205.050 Mitigation.
21.205.060 Erosion sedimentation, drainage.
21.205.070 Buffer.

21.205.010 Intent and purpose.
This zone supplements the underlying zone with additional resource protection policies required to implement the land use plan pursuant to the California Coastal Act codified in Section 30000 et seq. of the Public Resources Code (all citations refer to that code). Property located in this zone is located in the watershed of Batiquitos Lagoon identified by the California Department of Fish and Game as a unique, wetland habitat. Sections 30231, 30240(b) and 30253 require that the developments adjacent to such areas be sited and designed to be compatible with the unique habitat. In addition, Section 30242 of the Coastal Act requires measures to be taken to protect continued agricultural uses in the coastal zone. Property located in this zone is also located adjacent to agricultural areas. The city finds that the additional requirements of this zone are necessary in order to implement the additional requirements of the Coastal Act enumerated above. Only with such requirements on private developments in the watershed can the city assure permanent protection of natural resources located in its portion of the coastal zone. (Ord. NS-365 § 23, 1996)

21.205.020 Authority—Conflict.
This chapter is adopted to implement the California Coastal Act. In the case of any conflict between this zone and the underlying zone, the provisions of this zone shall apply. Further, if there is any conflict between this zone and any other provision of the city code, the provisions of this zone shall apply. (Ord. NS-365 § 23, 1996)

21.205.030 Permits—Required.
Developments, including but not limited to, land divisions, as defined in Section 21.04.108 require a coastal development permit. Such permits are subject to the requirements of this zone and the procedural requirements for coastal development permits of Chapter 21.201. (Ord. NS-365 § 23, 1996)

21.205.040 Maximum density of development.
The maximum density of development shall be seven units per gross acre. The underlying zone shall be either planned community P-C, Chapter 21.38 or RD-M, residential density-multiple zone, Chapter 21.24, in effect on September 30, 1980. The parking requirements of uses generally, Chapter 21.44, shall also apply. No subsequent amendments of the underlying zones apply in the coastal zone unless certified by the Coastal Commission. (Ord. NS-365 § 23, 1996)

21.205.050 Mitigation.
All recommended mitigation suggested by the certified final EIR shall be incorporated as a part of the project and shall be required as a condition of approval of the coastal development permit. (Ord. NS-365 § 23, 1996)
21.205.060  Erosion sedimentation, drainage.

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the city's grading ordinance, stormwater ordinance, standard urban stormwater mitigation plan (SUSMP) dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan, as those documents are certified as part of the city's LCP; (2) the city's jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP; and (3) the additional requirements contained herein. Such mitigation shall become an element of the project and shall be installed prior to the initial grading.

b. In addition, the following standards shall apply:

i. Priority projects identified in the SUSMP will incorporate structural best management practices (BMPs) and submit a water quality technical report as specified in the National Pollutant Discharge Elimination System (NPDES) permit and in the SUSMP;

ii. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook, dated January 2003 or the current version of that publication, and designed to infiltrate, filter or treat the runoff produced from each storm event up to and including the eighty-fifth percentile twenty-four-hour storm event;

iii. Priority projects will include projects increasing impervious area by more than two thousand five hundred square feet or by more than ten percent of existing impervious area, that are in, adjacent to or drain directly to environmentally sensitive areas (ESA), identified in the City of Carlsbad standard urban stormwater mitigation plan (SUSMP) dated April 2003, using the definitions of "adjacent to" and "draining directly to" that are found in the SUSMP;

iv. The city shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project;

v. The city will encourage and support public outreach and education regarding the potential water quality impacts of development;

vi. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible;

vii. Projects within two hundred feet of the Pacific Ocean shall be dealt with as "Projects Discharging to Receiving Waters within Environmentally Sensitive Areas" as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than two thousand five hundred square feet of impermeable surface or increase the impermeable surface on the property by more than ten percent;

viii. Although residential developments of less than ten units, including single-family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within two hundred feet of, or discharging directly to an ESA, including the Pacific Ocean; or shall provide a written report signed by a licensed civil engineer showing that as the project is designed, they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable;

ix. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within two hundred feet of an ESA, coastal bluffs or rocky intertidal areas.

c. Mitigation shall also require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments to it. No subsequent amendments are a part of this zone unless certified by the coastal commission. The general provisions, procedures, standards, content of plans and im-
plementation contained in them are required conditions of development in addition to the provisions below. Approved development shall include the following conditions, in addition to the requirements specified above:

i. All off-site, downstream improvements (including debris basin and any other improvements) recommended in the City of Carlsbad Drainage Master Plan shall be constructed prior to the issuance of a grading permit on-site. Improvements shall be inspected by city staff and certified as adequate and in compliance with the requirements of the drainage plan and the additional requirements of this zone. If the city declines to accept maintenance responsibility for the improvements, the developer shall maintain the improvements during construction of the on-site improvements;

ii. If the off-site or on-site improvements are not to be accepted and maintained by a public agency, detailed maintenance agreements including provisions for financing the maintenance through bonding or other acceptable means shall be secured prior to issuance of the permit. Maintenance shall be addressed in the report required to be submitted with the permit application. The report shall discuss maintenance costs and such costs shall be certified as a best effort at obtaining accurate figures;

iii. Construction of off-site drainage improvements may use an assessment district or any other acceptable manner. Such mechanisms shall be secured by bonding or other acceptable means prior to issuance of a coastal development permit;

iv. If a public agency agrees to accept maintenance responsibilities, it shall inspect the facilities prior to on-site construction or grading and indicate if such facilities assure continued maintenance. No on-site development may take place prior to acceptance of the drainage improvements;

v. All areas disturbed by grading shall be planted within sixty days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. The use of temporary erosion control measures, such as berms, interceptor ditches, sand-bagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Such planting shall be accomplished under the supervision of a licensed landscape architect, and shall consist of seeding, mulching, fertilization and irrigation adequate to provide ninety percent coverage within ninety days. Planting shall be repeated if the required level of coverage is not established. This requirement shall apply to all disturbed soils including stockpiles. This requirement shall be a condition of the permit. (Ord. CS-005 §§ 10, 11, 2008; Ord. NS-801 § 3, 2006; Ord. NS-622 § 3, 2002; Ord. NS-365 § 23, 1996)

21.205.070 Buffer.
A sturdy fence capable of attenuating noise and dust impacts, generally to be a concrete block wall a minimum of six feet in height, shall be provided between residential development and agricultural areas to the north and east. As a partial alternative, utilization of natural topographic separations such as trees, chaparral and existing slopes is encouraged, to the extent that such separations can be incorporated into site planning and would accomplish adequate attenuation of noise and dust. Permanent maintenance through a homeowners association or other acceptable means shall be provided as a condition of development. (Ord. NS-365 § 23, 1996)
Chapter 21.208

COMMERCIAL/VISITOR-SERVING OVERLAY ZONE

Sections:
21.208.010 Intent and purpose.
21.208.020 Definitions.
21.208.040 Permitted uses.
21.208.050 Uses permitted by a conditional use permit.
21.208.060 Prohibited uses.
21.208.070 Decision-making authority.
21.208.080 Preliminary review submittal and meeting—Application for conditional use permit.
21.208.090 Project site notification.
21.208.100 Development standards.
21.208.110 Required findings.
21.208.120 Performance monitoring condition.
21.208.130 Existing uses, building permits and business licenses.
21.208.140 Administrative enforcement powers.
21.208.150 Administrative notice, hearing, and appeal procedures.
21.208.160 Judicial enforcement.
21.208.170 Remedies not exclusive.
21.208.180 Severability.

21.208.010 Intent and purpose.
The intent and purpose of the commercial/visitor-serving overlay zone is to supplement the underlying zoning by providing additional regulations for commercial/visitor-serving uses which require a conditional use permit in the underlying zone. The overlay zone is intended and designed to:

A. Control the location, operation and appearance of newly proposed commercial/visitor-serving uses within the overlay zone to prevent the over-proliferation of certain uses as well as to ensure high quality appearance and operation;

B. Maximize public disclosure about new commercial/visitor-serving use proposals located within the overlay zone;

C. Design compatibility, vehicular circulation and shuttle bus/alternative transportation options into commercial/visitor-serving uses within the overlay zone;

D. Provide for the review of building materials and colors and establish architectural criteria that discourages the use of corporate, standardized building forms, materials and styles;

E. Formalize the use of conditional use permits for all commercial/visitor-serving uses within the overlay zone and emphasize the aspects of performance monitoring and enforcement;

F. Require commercial/visitor-serving conditional uses as listed in the planned industrial (P-M) chapter of this title for underlying P-M zoned properties within the overlay zone to be subject to the conditional use permit requirements and provisions of this chapter, except that such uses shall be consistent with the intent and purpose of the P-M zone; and

G. Establish procedures in the overlay zone to provide for effective code enforcement. (Ord. CS-224 § XLI, 2013; Ord. NS-485 § 1, 1999)

21.208.020 Definitions.
Terms used in this chapter and not defined below shall be defined per Chapter 21.04 of this title. The following terms, as used in this chapter, shall have the meaning established by this section:
A. "Applicant" means the property owner(s) of the site.

B. "Applicant's agent" means the authorized representative of the property owner responsible for processing the overlay zone conditional use permit.

C. "Commercial/visitor-serving use" means uses involving the provision of goods or services designed primarily for tourists or visitors to the city, such as any of the following either individually or in combination: commercial development with retail sales; lodging uses; recreation vehicle (RV) parks, overnight RV parking, campgrounds or overnight campsite uses; sales of souvenirs, gifts or toys; activities including food and/or beverage serving uses. Commercial/visitor-serving uses include, but are not limited to: gas stations/mini-marts, hotels, motels, restaurants, delis, retail stores, gift shops, museums and visitor centers.

D. "Enforcement agency" means the city's community and economic development department.

E. "Enforcement official" means the city's community and economic development director.

F. "Freestanding sign" means a monument sign supported by the ground and not supported by a pole.

G. "Time-share project" means a project that meets the time-share definition contained in Section 21.04.357 of this title. Time share projects are distinguished between "lock-off" units and standard units for the purpose of establishing different parking requirements as outlined in Section 21.208.100(A)(2). "Lock-off" units are defined as a timeshare unit which allows the occupancy of less than the entire unit during a timeshare period such that each occupant may occupy a part of the unit for a timeshare period with the remaining part of the unit being "locked-off" and subject to use by others. Standard time share units do not have lock-off provisions. (Ord. CS-164 § 14, 2011; Ord. NS-485 § 1, 1999)


A. This chapter applies generally to all properties shown with the designation "commercial/visitor-serving overlay zone" on the zoning map as concurrently amended with the adoption of this chapter (pursuant to Section 21.05.050), as amended from time to time; excepting therefrom any properties used as automobile dealerships within the car country Carlsbad specific plan area, as amended from time to time.

B. Notwithstanding properties being within the boundaries of the overlay zone as established above, the requirements for a conditional use permit, and the development standards of this chapter shall apply to:

1. Commercial/visitor-serving uses within the overlay zone; and

2. The portions of mixed use projects constituting a commercial/visitor-serving use.

C. Where the provisions of this chapter conflict with those of the underlying zone or elsewhere in this code, this chapter applies. (Ord. NS-485 § 1, 1999)

21.208.040 Permitted uses.

Permitted uses in the overlay zone which are not subject to the provisions of this chapter are the commercial/visitor-serving uses authorized as permitted uses by the underlying zone. Those uses shall be developed subject to the development standards and entitlement process required by the underlying zoning. In addition, a roadside stand for the display and sale of products produced on the same premises is a permitted use provided that the floor area shall not exceed two hundred square feet and is located a minimum of twenty feet from any street, highway, or city right-of-way. (Ord. CS-224 § XLII, 2013; Ord. NS-505 § 1, 1999; Ord. NS-485 § 1, 1999)

21.208.050 Uses permitted by a conditional use permit.

Commercial/visitor-serving uses which require a conditional use permit in the underlying zone may be permitted within the overlay zone by approval of a minor conditional use permit pursuant to this chapter, exclu-
ing outdoor dining (incidental), which is subject to an administrative permit pursuant to Section 21.26.013 of
this title. Conditional uses otherwise allowed by the underlying zoning designations within the overlay zone
that are not commercial/visitor-serving uses, are not subject to this chapter. Where the underlying zoning
authorizes conditionally permitted uses (other than commercial/visitor-serving uses), Chapter 21.42, not this
chapter, shall apply. (Ord. CS-224 § XLIII, 2013; Ord. CS-102 § CXXXIII, 2010; Ord. NS-485 § 1, 1999)

21.208.060 Prohibited uses.
Notwithstanding any underlying zoning provision, the following uses are prohibited in the overlay zone:
A. Stand-alone liquor stores where the retail sale of liquor and/or alcoholic beverages is the primary form
   of business;
B. The outdoor storage or display of merchandise, goods or services for sale; and
C. Except as authorized pursuant to Chapter 8.17 and/or 8.32 of this code, or a conditional use permit
   issued pursuant to this chapter, no person shall sell or offer to sell goods, merchandise or services
   from, or by means of, any temporary display, vehicle, platform, wagon or pushcart upon any public
   street, privately owned property, public parking lot, city right-of-way or sidewalk within the overlay zone.
   (Ord. CS-224 § XLIV, 2013; Ord. CS-102 § CXXXIV, 2010; Ord. NS-485 § 1, 1999)

21.208.070 Decision-making authority.
The decision-making authority for all conditionally-permitted commercial/visitor-serving uses shall be deter-
mined by the underlying zone. (Ord. CS-224 § XLV, 2013; Ord. NS-485 § 1, 1999)

21.208.080 Preliminary review submittal and meeting—Application for conditional use permit.
A. If it is determined that a conditional use permit is required for a commercial/visitor-serving use within
the overlay zone, prior to filing an application for a conditional use permit, the applicant shall submit an
application for a preliminary review and subsequently attend a preliminary review meeting.
   1. Preliminary Review Submittal. The applicant shall file a preliminary review application and shall
      follow the submittal requirements in accordance with the planning division’s preliminary review
      process accompanied by the applicable fee, as established by the city council by resolution. The
      submittal shall demonstrate compliance with this chapter, including the proposal of an architec-
      tural style as required by Section 21.208.100(F).
   2. Preliminary Review Meeting. Within thirty days of the applicant’s preliminary review submittal, the
      city planner shall respond with a written city response letter, thoroughly analyzing the proposal,
      establishing issues for resolution, and setting a time, date and place to conduct a preliminary re-
      view meeting wherein the owner and/or applicant, staff planner and staff engineer would attend to
      discuss any outstanding issues or questions.
   3. Primary Purpose. Discuss the city response letter, identify issues to be resolved and establish fi-
      nal application requirements.
B. Good faith participation in the preliminary review meeting is necessary for the submittal of a formal
   conditional use permit application.
C. Upon completion of the preliminary review submittal and meeting, the applicant may file a formal ap-
   plication for a conditional use permit pursuant to Chapter 21.42. The application shall be accompanied
   by application(s) for any other required discretionary entitlement for the project (including, but not limited
to, a coastal development permit). Application for, and approval of, a conditional use permit pursuant to
this chapter shall satisfy all requirements for a site development plan for the project if such is required
by the underlying zoning. If not otherwise required, in addition to the application requirements for a
conditional use permit (including special requirements in this chapter) formal conditional use permit
application exhibits subject to this chapter shall show the following:
1. All state and Uniform Building Code requirements for disabled parking spaces and related pathways;
2. All proposed rooftop equipment, mechanical enclosures and any Uniform Building Code requirements relating to rooftop access, ladders or other rooftop structural features. (Ord. CS-224 § XLVI, 2013; Ord. CS-164 § 11, 2011; Ord. NS-485 § 1, 1999)

21.208.090 Project site notification.
In addition to the public notice requirements of Section 21.54.060, the applicant shall provide project site notification as follows:

A. Upon city determination of completeness of a formal application, the applicant shall physically post the following notice on the project site. The applicant shall maintain the posted notice in good and legible condition until the application is withdrawn or scheduled for public hearing, whichever occurs first. Such notice shall state “APPLICATION IN PROCESS,” and shall include:
   1. A yellow color background;
   2. A brief but complete explanation of the matter to be considered;
   3. The applicant’s name/phone number and applicant’s agent’s (if applicable) name and phone number;
   4. Planning division contact information.
B. Concurrent with public noticing for a public hearing, the applicant shall physically post a notice on the project site for the entire term of the public notice period until, and inclusive of, the actual public hearing date. Such notice shall state “PENDING PUBLIC HEARING,” and shall include the same information required above, but:
   1. An orange color background; and
   2. Date, time and place of pending public hearing.
C. Notices required by subsections A and B of this section shall comply with the following:
   1. Sign location shall be in a conspicuous location so that the notice is visible from all portions of the project site which abut a private or public street.
   2. Sign material shall be durable enough to withstand the elements. Signs shall be secured to a ground mounted pole with a minimum pole height of four feet and a maximum pole height of six feet.
   3. Sign dimensions shall be: four feet in height and three feet in length.
   4. Letter height for the “APPLICATION IN PROCESS” or “PENDING PUBLIC HEARING” headings shall be six inches.
   5. Letter height for the project descriptions shall be three inches.
   6. All other letter heights shall be two inches.
   7. All letter colors shall be black.
   8. A city seal of the City of Carlsbad shall be displayed in the upper central portion of the notice with a minimum diameter of three inches.
   9. Applicant or developer phrases or logos are not allowed.
   10. Applicant must obtain project planner approval of color and text, prior to posting.
   11. The public hearing notice shall be removed upon withdrawal of the application or completion of the public hearing process, whichever occurs first.
   12. Any removed or damaged notices shall be immediately replaced. Failure to do so may cause the public hearing to be rescheduled by the enforcement official.
D. The city planner may modify any of the criteria listed above in subsections (C)(1) through (C)(7) of this section if determined necessary to achieve maximum disclosure of the project and/or to optimize visibility of the sign. (Ord. CS-164 §§ 10, 11, 2011; Ord. NS-485 § 1, 1999)

21.208.100 Development standards.
Notwithstanding any underlying zoning provisions, the development standards below shall supersede other provisions of this title, and shall be applied to conditional use permits issued pursuant to this chapter.

A. Parking. The number of parking spaces required for commercial/visitor-serving uses within the overlay zone shall be calculated based on the ratios established below according to land use. Fractional parking spaces are to be rounded up to the nearest whole number. Compact space provisions are provided in Section 21.44.110 of this title. Any use not listed below and subject to the provisions of this chapter, shall be subject to a parking ratio to be determined by the city planner based on the requirements of similar uses. The city planner’s determination may be appealed in accordance with Section 21.54.140 of this title; or the determination may be incorporated into the project design and conditional use permit application. All state and Uniform Building Code requirements for disabled parking spaces and related pathways shall be shown on the conditional use permit application exhibits.

1. Motels/Hotels/Suites/Inns/Lodges/Resorts. 1.2 spaces per unit, plus parking as required per this chapter for additional ancillary uses (restaurant, retail space, meeting rooms, etc.) as calculated on an individual basis. In addition, these uses shall provide adequate shuttle bus circulation and passenger drop-off/pick-up facilities to be developed on a case-by-case, site-by-site basis. Tour bus/passenger bus parking provisions may also be required based on the specific project and location.

2. Time Share Projects. Lock-off units require 1.5 spaces per unit; standard units require 1.2 spaces per unit. In addition, time share projects shall be subject to the following requirements:
   a. Adequate shuttle bus circulation and passenger drop-off/pick-up facilities to be developed on a case-by-case, site-by-site basis;
   b. An interim parking/unit marketing plan which will address the initial sales efforts to sell time share units and the corresponding need to provide additional interim parking while sales are ongoing. Unless otherwise specified in the underlying zone, the interim parking/unit marketing plan shall be approved by the applicable decision-making authority as one of the approving project exhibits and shall indicate where interim parking is to be provided, the amount of spaces involved, adequate screening and landscaping, and the conversion or integration of the interim parking site into the overall time share project.

3. Gas Station/Mini-Mart. One space/three hundred square feet of gross floor area plus three additional employee parking spaces. Gas stations with work bays shall park the work bay areas at a ratio of four spaces for every work bay. In addition, gas stations shall conform to the use separation and design criteria contained in subsection (H)(1) of this section.

4. Restaurant. One space/one hundred square feet of gross floor area up to two thousand square feet. Two thousand square feet or greater: twenty spaces plus one space/fifty square feet in excess of two thousand square feet. Space used for outdoor dining (incidental) pursuant to Section 21.26.013 of this title, shall be exempt from these parking requirements. Recommended design features include adequate shuttle bus circulation and passenger drop-off/pick-up facilities in addition to tour bus/passenger bus parking provisions.

5. Coffee Shop/Beverage-Serving Use/Delicatessen. One space/three hundred square feet of gross floor area excluding seating areas for eating and/or drinking. Seating areas shall park at one space/one hundred square feet of area. Space used for outdoor dining (incidental), pursuant to Section 21.26.013 of this title, shall be exempt from these parking requirements.

6. Meeting Rooms, Assembly Space, Convention Facilities. One space/one hundred square feet of gross floor area.
7. Individual Retail, Gift Shops, Toy Stores, Convenience Stores, General Sales. One space/three hundred square feet of gross floor area plus two additional employee parking spaces.

8. Shopping Center Retail. Minimum one space/two hundred square feet of gross center. Restaurants in shopping center projects shall provide separate parking as required above in subsection (A)(4) of this section.

9. Museums. One space/five hundred square feet of gross floor area plus a minimum of two additional employee parking spaces. In addition, museums shall provide adequate shuttle bus circulation, passenger drop-off/pick-up facilities, and tour bus/passenger bus parking provisions to be developed on a case-by-case, site-by-site basis.

10. Visitor/Information Center. One space/four hundred square feet of gross floor area plus two additional employee parking spaces. In addition, visitor/information centers shall provide adequate shuttle bus circulation, passenger drop-off/pick-up facilities, and tour bus/passenger bus parking provisions to be developed on a case-by-case, site-by-site basis.

11. Bed and Breakfast. Minimum two spaces, one of which shall be covered for the manager’s unit, plus one space per guest room.

12. Car Rental Agencies. One space/two hundred fifty square feet of gross floor area for the car rental office space and customer waiting area. The rental car fleet parking shall be addressed through a fleet parking plan which will be reviewed and considered as part of the conditional use permit application. In addition, car rental agencies shall provide shuttle bus circulation and passenger drop-off/pick-up facilities to be developed on a case-by-case, site-by-site basis.

13. Movie Theaters. Proposals involving movie theaters shall submit land use and parking studies or other appropriate documents to justify the proposed parking provisions as part of the pre-filing submittal process per Section 21.208.080 of this chapter. At the close of the pre-filing submittal process, the city planner shall determine what the applicable parking ratios are. The applicant may appeal the city planner’s decision in accordance with Section 21.54.140 of this title.

B. Signs. Except as provided herein, the provisions of Chapter 21.41 apply within the overlay zone. All signage shall be reviewed and approved as part of the conditional use permit process. No internally illuminated thru-face channel letter signs will be allowed to face residentially zoned properties.

1. Maximum Sign Area. The maximum sign area allowance shall not exceed one square foot per lineal foot of building frontage located on the lot. For corner lots or buildings, with two building frontages, sign allowance will be based on 0.90 square foot per the combined lineal footage. Shopping centers or other combined projects subject to the provisions of this chapter including projects that propose freeway service facility uses and signs, as defined in Sections 21.41.030(10)(A) and (B)(i—iv) and regulated by Section 21.41.070(3)(B), shall process a sign program as part of the conditional use permit. Freeway service facility center sign programs shall not allow more than a total of one hundred square feet of freestanding sign area for projects of eight acres or less; or one hundred fifty square feet of freestanding sign area for larger sites. Such sign programs may also allow a maximum of 0.60 square feet of wall signage per lineal foot of commercial tenant/suite frontage; a maximum of 0.90 square feet of wall signage per combined lineal footage of freestanding corner buildings; and, a maximum of one square foot of signage per lineal foot of freestanding or anchor tenant building frontage. Shopping centers or combined projects that do not propose freeway service facilities, shall be allowed a maximum of 0.75 square feet of wall signage per lineal foot of commercial tenant/suite frontage; a maximum of one square foot of wall signage per combined lineal footage of freestanding corner buildings; a maximum of one square foot of signage per lineal foot of freestanding or anchor tenant building frontage; and, a maximum of one hundred twenty-five square feet of additional freestanding signage.

2. Maximum Sign Height. No freestanding sign shall exceed six feet in height, except for freeway service facility signs; and freestanding multi-tenant directory signs for shopping centers and/or
mixed use commercial/visitor-serving projects, which shall not exceed ten feet in height, pursuant to a city council approved sign program.

3. Sign Colors. Sign colors and materials are part of the discretionary review process. Sign colors shall complement the overall building style without dominating the building design.

4. Landscaping Related to Signs. Freestanding signs are subject to the landscaping requirements contained in subsection G of this section.

C. Building Height. The allowed building height for projects subject to this chapter shall be determined by the development standards of the underlying zoning. Any proposed rooftop equipment or other structural features shall be screened from public view.

D. Building Setbacks. Commercial/visitor-serving buildings located adjacent to Palomar Airport Road or Cannon Road east of the I-5 interstate freeway shall maintain a minimum setback of fifty feet. Except in the P-M zone, where the underlying zone setback shall apply, new commercial/visitor-serving buildings shall maintain a minimum public street setback of thirty feet. All setback areas shall be exclusive of parking spaces, parking overhang, circulation aisles and trash enclosures. Improvements in this area shall be limited to landscaping, access driveway(s), signage, lighting fixtures, screen walls and pedestrian walkways or sidewalks. For parcels eight acres or less in size, the back ten feet of the required setback may be used as circulation aisles or parking spaces provided there is adequate use of landscaping and screen walls. The minimum building setback from any freeway right-of-way shall be thirty feet of which the back twenty feet may accommodate circulation aisles, trash and/or recycling enclosures, and/or parking spaces. All development proposals subject to this chapter shall provide decorative paving in the primary approach driveway to the project for an area of at least nine hundred square feet (thirty by thirty foot area) covering, at a minimum, the width of the driveway. The decorative paving shall be depicted on landscape plans and shall be located adjacent to, but not on, city right-of-way adjacent to the project entrance. Side and rear setbacks not subject to the thirty-foot public street setback shall be assessed as part of the discretionary review of the conditional use permit application, however, a minimum setback of ten feet entirely landscaped shall be required.

E. Building Materials/Colors. Building materials and colors are part of the discretionary review process. The use of illuminated awnings is not allowed. Metal awnings or canopies are not allowed. High quality simulated building materials such as imitation brick, stone, marble or wood may be approved. The primary colors of blue, red, yellow and green shall not be dominate building colors. The use of colors shall be balanced and in the context of the proposed architectural style.

F. Architectural Style. Two primary architectural styles are allowed in the overlay zone as described in general terms below. One of the two styles shall be proposed in conditional use permit applications, except as provided in subsection (F)(3) of this section.

1. Village Architectural Style. This style involves the use of wood and composition shingle roof materials, steep pitched (7:12 and greater) gabled roofs, gabled windows, use of dormers in gabled roofs, no mansard roof forms, applied surface detail ornamentation and irregular building forms with a variety of roof peaks.

2. Spanish/Mediterranean Architectural Style. This style involves the uses of Spanish/mission style clay roof tiles on a rectangular building form, white stucco walls, arches and arched doorways with wooden beams, low pitched roofs, multi-paned windows and the use of glazed/decorative tiles and tile paving.

3. Alternative Architectural Styles. An alternative architectural style may be proposed on a conditional use permit application if it is specifically supported by the enforcement official at the conclusion of the preliminary review procedures outlined in Section 21.208.080. This alternative architectural style may accommodate a reasonable version of a user’s corporate architectural style, provided the corporate architectural elements do not dominate the building design so as to create incompatibility in the area; or detract from the overlay zone’s objective of ensuring high quality appearances for commercial/visitor-serving uses.
G. Landscaping. Landscaping shall be designed to complement the project’s proposed architectural style. Landscape plans shall be consistent with the city’s landscape manual. The following landscaping regulations shall apply to development proposals subject to this chapter:

1. Freestanding Sign Landscape Theme. Every freestanding sign shall provide adjacent landscaping which promotes a common theme throughout the overlay zone. The freestanding sign and related landscaping theme shall be shown on project landscape exhibits and will consist of, at a minimum:

   (a) Six bird of paradise plants (Strelitzia reginae) with a minimum container size of five gallons. These plants shall be located in clusters around the sign;

   (b) One Phoenix roebelenii palm tree with a minimum container size of fifteen gallons to be located to one side of the freestanding sign amidst the bird of paradise plant clusters. The roebelenii palm may be replaced with another palm tree species if supported by staff to be consistent with the overlay zone’s common landscaped sign theme and approved with the conditional use permit by the city council;

   (c) Appropriate ground cover such as agapanthus shrubs, or other similar substitute subject to discretionary review, bark and/or turf in a visually pleasing combination;

   (d) The minimum area for the provision of the freestanding sign and corresponding landscaped theme shall be eighty square feet, designed to encompass the minimum perimeter of the sign’s base or foundation area;

   (e) The above requirements are not necessary for qualified freeway service signage, however, the structural base of allowed freeway service signs shall be adequately located and screened from view by landscaping as part of the conditional use permit application.

2. Required Trees. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces provided. These trees shall be located in planting areas that are outside of required setback areas. All trees shall be a minimum container size of fifteen gallons, however, at least fifty percent of required parking lot trees shall be a minimum of twenty-four-inch box size. All parking lot planter strips and parking island dimensions, configurations and landscaping shall conform to Appendix E of the city’s landscape manual, except that for sites eight acres or less in size, individual planting islands with a minimum width of six feet may be provided. Such planting islands shall have a minimum length of thirty feet, however, the minimum length shall not be less than the length of adjacent parking stalls. Street trees required by the street tree requirements of Section IV.D.3 of the landscape manual shall all be twenty-four-inch box sizes. In addition to the street tree requirements of the landscape manual, and except for the slope planting requirements of Section IV.E.3 of the manual for slopes over eight feet in vertical height, setback landscaping trees shall be provided in clusters at a ratio of one tree for every one thousand square feet of setback area. Except for street trees which shall be twenty-four-inch box sizes, setback area trees shall be a minimum container size of fifteen gallons, however, at least fifty percent of required setback area trees shall be a minimum of twenty-four-inch box sizes. For the calculation of setback areas, multiply the length of the setback times twenty feet; for interior lot and freeway setbacks, multiply the length of the setback times ten feet. The use of existing on-site trees may be considered to replace required trees at a 1:1 ratio, on a case-by-case, site-by-site basis. For existing trees to be considered, landscape plans shall indicate tree caliper width at three feet above existing grade, and photographs of the subject trees shall be submitted.

3. Screening of Areas. The following areas shall be specifically designed to be screened from public points of view:

   (a) Parking Areas. All surface parking areas shall be screened by the use of forty-two inch high screen walls to be complemented with landscaping in front of the walls within setback areas. Screen walls shall be architecturally finished to complement the project’s architecture and shall provide an architectural cap on top of the wall. The screening wall height may reduce
to thirty inches to comply with engineering sight distance requirements as necessary. Vines
and attaching plant forms shall be used to further obscure the screening walls. The use of
existing trees and/or grade separations to screen parking areas may be considered on a
case-by-case, site-by-site basis.

(b) Loading/Delivery/Trash Enclosure Areas. All areas used for loading activities, receiving de-
liveries and trash enclosure locations shall be located onsite so as to be screened from pub-
lic points of view. Landscaping may assist this objective but is secondary to locating these
areas onsite and/or using solid masonry walls, to minimize visibility.

4. Maintenance. All landscaped areas shall be maintained in a healthy, thriving manner. Failure to
maintain such areas in conformance with approved landscape plans and concepts, may result in
administrative fines and/or revocation or other discretionary action pursuant to the performance
monitoring condition (see Section 21.208.120) or other enforcement procedures in this chapter.

H. Use Separation Standards. The uses below are subject to use separations standards.

1. Gas Stations, Gas Stations/Mini-Marts.
   (a) Location. New gas stations or gas stations/mini-marts shall only be permitted at intersec-
tions where at least one of the streets is classified as a prime, major or secondary arterial on
the general plan. A maximum of two stations may be allowed at each such intersection.
Where a T-intersection is involved, a maximum of one station may be allowed. The pro-
posed site may not adjoin any residential property.
   (b) Lot Dimensions. The minimum lot size, or the minimum area exclusively designated for this
use in a mixed use project, shall be fifteen thousand square feet. Street frontage along the
nonarterial roadway shall be a minimum of one hundred fifty feet.
   (c) Design Criteria. On corner lots, no access shall be made with the prime or major arterial
roadway; no driveway access shall be allowed within one hundred feet of a prime or major
arterial roadway intersection and may be limited to a right in, right out only access; and, fuel
delivery circulation design shall be accommodated onsite on a case-by-case, site-by-site
basis. (Ord. CS-224 §§ XLVII—XLIX, 2013; Ord. CS-164 § 10, 2011; Ord. CS-102 §
CXXXV, 2010; Ord. NS-485 § 1, 1999)

21.208.110 Required findings.
In addition to the findings required for the granting of a conditional use permit pursuant to Section 21.42.030,
conditional use permits issued pursuant to this chapter are subject to the following findings prior to approval:

A. That the proposed project is adequately designed to accommodate the high percentage of visitor, tour-
ist and shuttle bus/alternative transportation users anticipated given the proposed use and site location
within the overlay zone;

B. That the building forms, building colors and building materials combine to provide an architectural style
of development that will add to the objective of high quality architecture and building design within the
overlay zone;

C. That the project complies with all development and design criteria of the overlay zone;

D. For gas stations, motel, hotel or restaurant uses on a planned industrial zoned property: That the pro-
posed use is commercial in nature and therefore subject to the overlay zone; however, the proposed
use shall be consistent with the intent and purpose of the P-M zone;

E. For recreation vehicle (RV) parks, overnight RV parking, campgrounds or overnight campsite uses:
That the proposed use complies with all the provisions of Section 21.42.010(2)(H)(a) through (e) of this
title. (Ord. CS-224 § L, 2013; Ord. CS-178 § CXXX, 2012; Ord. NS-485 § 1, 1999)
21.208.120 Performance monitoring condition.
Projects shall be continuously monitored, including at least one formal annual review, to assure long term compliance with all conditions of approval, compatibility with adjacent properties, enforce sign regulations and provide a basis for recommending approval of subsequent permit extension requests. To achieve this, the following condition shall be placed on permits within the overlay zone:

If, at any time, the City Council, Planning Commission or City Planner determine that there has been, or may be, a violation of the findings or conditions of this conditional use permit, or of the Municipal Code regulations, a public hearing may be held before the City Council to review this permit. At said hearing, the City Council may add additional conditions, recommend additional enforcement actions, or revoke the permit entirely, as necessary to ensure compliance with the municipal code and the intent and purposes of the Commercial/Visitor-Serving Overlay Zone, and to provide for the health, safety and general welfare of the City.

(Ord. CS-164 § 10, 2011; Ord. NS-485 § 1, 1999)

21.208.130 Existing uses, building permits and business licenses.
For existing uses that propose a change in use, apply for a building permit or apply for a new business license, the provisions of this chapter shall not apply provided that all of the following criteria are met: the proposal is consistent with the uses allowed by the site development plan or specific plan, if any, applicable to the subject site; the proposal does not invoke a higher parking standard pursuant to Section 21.208.100(A) of this chapter; and, the proposal does not involve an increase of greater than two hundred square feet to existing square footage. For such proposals, the additional two hundred square feet of area shall be parked subject to the parking standards of this chapter. Existing structures that propose demolition and redevelopment may be re-built to the same square footage as allowed by a valid entitlement prior to the effective date of the ordinance codified in this chapter, or up to an additional two hundred square feet, without being subject to the requirements of this chapter, provided there is no increase in the degree of nonconformity with regards to building setbacks, parking or signage. If a higher parking standard, or more than two hundred square feet of increased square footage is involved for commercial/visitor-serving uses which require a conditional use permit in the underlying zone, the new, or intensified, portion of the existing use shall be subject to the approval of a minor conditional use permit consistent with the standards of this chapter. Existing sign programs and related sign permits are not subject to the provisions of this overlay zone, except that if any existing use proposes an amendment to its existing, approved sign program to increase overall signage allowance, or to increase or alter approved sign locations, then the entire sign program including existing signs shall be subject to the sign standards of Section 21.208.100(B) of this chapter pursuant to the normal processing of such sign program amendment. (Ord. CS-224 § LI, 2013; Ord. NS-485 § 1, 1999)

21.208.140 Administrative enforcement powers.
A. The enforcement agency and enforcement official can exercise any enforcement powers as provided in Chapter 1.08 of this code. In addition to the general enforcement powers provided in Chapter 1.08 of this code, the enforcement agency and enforcement official have the authority to utilize the administrative remedies set forth in subsection B of this section as may be necessary to enforce this chapter.

B. Civil Penalties. Any person who violates any of the provisions of this chapter or any condition of a conditional use permit issued pursuant to this chapter shall be liable for a civil penalty not to exceed one thousand dollars for each day such a violation exists. The violator shall be charged for the full costs of any investigation, inspection or monitoring survey which led to the detection of any such violation, for abatement costs, and for the reasonable costs of preparing and bringing legal action under this subsection. In addition to any other applicable procedures, the enforcement agency may utilize the lien procedures listed in Sections 21.208.150(C)(5) and (D)(2) and Section 21.208.160(B)(3) to enforce the violator's liability. (Ord. NS-485 § 1, 1999)
21.208.150 Administrative notice, hearing, and appeal procedures.

A. Unless otherwise provided herein, any notice required to be given by the enforcement official under this chapter shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the enforcement official. Where the address is unknown, service may be made upon the owner of record of the property involved. Such notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service whether or not the registered or certified mail is accepted.

B. When the enforcement official determines that a violation of one or more provisions of this chapter or any condition of a conditional use permit issued pursuant to this chapter exists or has occurred, any violator(s) or property owner(s) of record shall be served by the enforcement official with a written notice and order. The notice and order shall state the municipal code section or the condition violated, describe how violated, the location and date(s) of the violation(s), and describe the corrective action required. The notice and order shall require immediate corrective action by the violator(s) or property owner(s); where the violation is a continuing violation which does not create an immediate danger to health or safety, the notice shall provide a reasonable time, not less than three working days, to correct or otherwise remedy the violation, prior to the imposition of administrative fines. The notice and order shall also explain the consequences of failure to comply, including that civil penalties shall begin to immediately accrue if compliance is not immediately achieved (or, if applicable within three days from the date the notice and order is issued). The notice and order shall identify all hearing rights. The enforcement official may propose any enforcement action reasonably necessary to abate the violation.

C. If cure or abatement of the violation(s) is not immediately achieved (or, if applicable within three days) from the date the notice and order is issued, the enforcement official shall request the city manager to appoint a hearing officer and fix a date, time and place for hearing. The enforcement official shall give written notice thereof to the violator(s) or owner(s) of record, at least ten days prior to the date for hearing.

1. The hearing officer shall consider any written or oral evidence presented to determine whether the violation(s) exists, and/or civil penalties should be imposed, consistent with rules and procedures for the conduct of hearings and rendering of decisions established and promulgated by the city manager.

2. In determining whether action should be taken or the amount of a civil penalty to be imposed, the hearing officer may consider any of the following factors:
   (a) Duration of the violation(s);
   (b) Frequency or recurrence;
   (c) Seriousness;
   (d) History;
   (e) Violator’s conduct after notice and order;
   (f) Good faith effort to comply;
   (g) Economic impact of the penalty on the violator(s);
   (h) Impact of the violation on the community;
   (i) Any other factor which justice may require.

3. If the violator(s) or owner(s) of record fail to attend the hearing, it shall constitute a waiver of the right to a hearing and adjudication of all or any portion of the notice and order.

4. The hearing officer shall render a written decision within ten days of the close of the hearing, including findings of fact and conclusions of law, identifying the time frame involved and the factors considered in assessing civil penalties, if any. The decision shall be effective immediately unless otherwise stated in the decision. The hearing officer shall cause the decision to be served on the enforcement official and all participating violators or owners of record.
5. If the persons assessed civil penalties fail to pay them within the time specified in the hearing officer’s decision, the unpaid amount constitutes either a personal obligation of the person assessed or a lien upon the real property on which the violation occurred, in the discretion of the enforcement official. If the violation(s) is not corrected as directed the civil penalty continues to accrue on a daily basis. Civil penalties may not exceed one hundred thousand dollars in the aggregate. When the violation is subsequently corrected, the enforcement official shall notify the violator(s) and/or owner(s) of record of the outstanding civil penalties and provide an opportunity for hearing if the amount(s) is disputed within ten days from such notice.

D. Judicial Appeal of Hearing Officer Determination.

1. Notwithstanding the provisions of Section 1094.5 or 1094.6 of the Code of Civil Procedure, within twenty days after service of the final administrative order or decision of the hearing officer is made in accordance with this section regarding the imposition, enforcement or collection of the administrative fines or penalties, a person contesting that final administrative order or decision may seek review by filing an appeal to be heard by the superior court, where the same shall be heard de novo, except that the contents of the local agency’s file in the case shall be received in evidence. A court proceeding under this section is a limited civil case authorized by Government Code Section 53069.4. A copy of the notice of appeal shall be served in person or by first-class mail upon the local agency by the contestent.

2. The enforcement official shall take all appropriate legal steps to collect these obligations, including referral to the city attorney for commencement of a civil action to recover said funds. If collected as a lien, the enforcement official shall cause a notice of lien to be filed with the county recorder, inform the county auditor and county recorder of the amount of the obligation, a description of the real property upon which the lien is to be recovered, and the name of the agency to which the obligation is to be paid. Upon payment in full, the enforcement official shall file a release of lien with the county recorder. (Ord. NS-485 § 1, 1999)

21.208.160 Judicial enforcement.

A. Criminal Penalties. Any person who violates any provision of this chapter or any condition of a conditional use permit issued pursuant to this chapter is guilty of a misdemeanor.

B. Injunction/Abatement of Public Nuisance—Violations Deemed a Public Nuisance.

1. In addition to the other civil and criminal penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this chapter or any condition of a conditional use permit issued pursuant to this chapter, is a threat to the public health, safety and welfare and is declared and deemed a public nuisance, which may be summarily abated and/or restored as directed by the enforcement official in accordance with the procedures identified in Chapter 6.16.

2. A civil action to abate, enjoin or otherwise compel the cessation of such nuisance may also be taken by the city, if necessary. The enforcement official may also cause the city to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, or both, or an action to abate a public nuisance, as may be appropriate.

3. The full cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property in accordance with the procedures set forth in Section 21.208.140.

C. Other Civil Action. Whenever a notice and order or hearing officer’s decision is not complied with, the city attorney may, at the request of the enforcement official, initiate any appropriate civil action in a court of competent jurisdiction to enforce such notice and order and decision, including the recovery of any unpaid civil penalties provided herein. (Ord. NS-485 § 1, 1999)
21.208.170  Remedies not exclusive.
Remedies set forth in this chapter are not exclusive but are cumulative to all other civil and criminal penalties provided by law, including, but not limited to, amortization, abatement, and summary removal pursuant to Chapter 21.41 and/or California Business and Professions Code Sections 5412 through 5412.3 and 5492 through 5497. The seeking of such other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter. (Ord. NS-485 § 1, 1999)

21.208.180  Severability.
If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconditional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconditional. (Ord. NS-485 § 1, 1999)
Chapter 21.210

HABITAT PRESERVATION AND MANAGEMENT REQUIREMENTS

Sections:
21.210.040 Habitat preservation requirements.

The purposes and intent of this chapter are to:
A. Implement the goals and objectives of the land use and the open space/conservation elements of the Carlsbad general plan;
B. Implement the city’s habitat management plan, the implementing agreement and conditions, the North County multiple habitat conservation plan (MHCP), the state’s Natural Communities Conservation Plan (NCCP) and 10(a)(1)(B) permit conditions;
C. Preserve the diversity of natural habitats in the city and protect the rare and unique biological resources located within those habitats;
D. Assure that all development projects comply with the habitat preservation and conservation standards contained in the habitat management plan;
E. Provide a process for permitting limited, incidental impacts to occur to natural habitat areas and the species located therein; and
F. Provide a process for allowing minor amendment from the habitat preservation and conservation standards under limited, specified circumstances. (Ord. NS-783 § 1, 2006)

The following definitions are established:
A. Whenever the following terms are used in this chapter, they shall have the meaning established by this section:
1. “Conditions of coverage” means the measures to avoid, minimize and mitigate for impacts to habitat and the covered species located therein and the conditions and terms of the approval of the HMP by the wildlife agencies contained in the HMP implementing agreement.
2. “Conservation” means to keep protected habitat and the species located therein from loss, decay or depletion and to move the species toward recovery. Conservation also describes all actions related to maintaining and managing habitat and providing a viable habitat preserve system in the city. Conservation and preservation are similar terms and are used in much the same way. Preservation connotes the act of setting aside or securing habitat, whereas conservation is generally more broad and includes activities such as management of the habitat.
3. “Covered species” means the species for which take authorization is provided because long-term viability has been determined to be adequately maintained under the HMP as identified in lists 1,
2, and 3, Exhibit “A” to the implementing agreement. The HMP addresses the species identified as list 1 in a manner sufficient to meet all of the criteria for issuing an incidental take permit. Take authorization for species of lists 2 and 3 is contingent on other MHCP subarea plans being permitted and/or funding for enhanced management of preserved areas.

4. “Development project” means any use of a property, including grading, clearing and grubbing, construction, alteration of any magnitude or activities incidental thereto which requires a discretionary or ministerial permit, entitlement or approval issued under Titles 15, 18, 20 or 21 of the municipal code.

5. “Habitat” means the environment or the environmental conditions of a specific location where species or a population of such species lives, occurs or occupies. It includes both natural and native habitat.

6. “Habitat in-lieu mitigation fee” means a per-acre fee charged for impacts to on-site habitat as an alternative to acquiring off-site habitat to mitigate for such impacts.

7. “Habitat management plan” means the comprehensive plan which identifies how the city can preserve and conserve the diversity of habitat and protect rare species and biological resources within the city while allowing for additional development consistent with the city’s general plan and its growth management plan. In so doing, the plan allows the city to issue permits and authorization for the incidental take of rare species in conjunction with private development projects, public projects, and other activities which are consistent with the plan.

8. “Hardline preserve areas” means properties which are already part of or are planned to be part of the HMP habitat preserve system. “Existing” hardline preserve areas are depicted on Figure 5 of the HMP and have already been conserved for their habitat value due to permitting actions occurring in the past before approval of the HMP. “Proposed” hardline preserve areas are properties whose preservation and development areas have been planned as part of the HMP. These areas have been agreed-upon in coordination with the landowners, the city, U.S. Fish and Wildlife Service, and the California Department of Fish and Game. If the area proposed for development and proposed for conservations are in conformance with the HMP, the development will be allowed under the HMP.


10. “HMP permit” means the permit required when a development project impacts, either directly or indirectly, habitat in the city.

11. “Implementing agreement” or “IA” means the legal document which defines the roles, responsibilities, activities and conditions that will be undertaken by the city and the wildlife agencies to provide for the preservation, conservation and management of habitat and the species covered under the HMP.

12. “Incidental take permit” means the taking of an HMP covered species incidental to and not the purpose of carrying out otherwise lawful activities.

13. “Management of habitat” means all the activities and actions necessary to ensure that the habitat preserve system in the city remains viable and protected for the species that are located there including maintenance, biological monitoring and adequate funding for same.

14. “MHCP” means the multiple habitat conservation plan, a comprehensive subregional plan which addresses multiple species habitat needs and the preservation of natural vegetation in a one hundred seventy-five square mile area in northwestern San Diego County.

15. “Mitigation” means measures undertaken to diminish or compensate for the negative impacts of a development project or activity on areas of habitat, native vegetation or species located therein including minimizing the impact by feasible avoidance, repairing or restoring the area of impact or compensating for the impact by replacing or providing substitute resources.
16. “Narrow endemic species” means native species with restricted geographic distributions, soil affinities and/or habitats, and for purposes of the HMP, species that in addition have important populations within the plan area, such that substantial loss of these populations or their habitat within the HMP area might jeopardize the continued existence or recovery of that species and therefore special conservation standards are required.


18. “Preserve” means an area set aside and managed for the protection of wildlife and biological resources.

19. “Preservation” means to keep in safety; protect from danger or harm; to keep intact or unimpaired; maintain. Preservation and conservation are similar terms and are used in much the same way. Preservation connotes the act of securing the land and its values, whereas conservation generally is more broad and includes activities such as management of the land and its resources.

20. “Property analysis record (PAR)” means a computerized database methodology used to calculate the costs associated with the management, maintenance and monitoring of natural habitat areas.

21. “Standards areas” means properties whose preservation and development areas have not yet been planned as part of the HMP. Instead, preservation and conservation standards have been developed for these properties which must be complied with when a development project is submitted for the property.

22. “Wildlife agencies” means the U.S. Fish and Wildlife Service and the California Department of Fish and Game. (Ord. NS-783 § 1, 2006)

A. All development projects and fuel modification activities in the city shall comply with the habitat preservation and conservation standards contained in the city’s habitat management plan (HMP) as well as the implementing agreement, permit conditions, the MHCP, the NCCP and 10(a)1(B) permit conditions, and the requirements contained in this chapter. All requirements of the HMP are incorporated herein by reference.

B. No grading of habitat in the city, including clearing and grubbing, shall occur pursuant to Title 15 of the municipal code until all the processing and permitting requirements of this chapter are fulfilled. (Ord. NS-783 § 1, 2006)

21.210.040 Habitat preservation requirements.
The provisions of this section shall apply to all development projects as follows:
A. Hardline Preserve Areas. Properties or areas of the city identified in the HMP as existing hardline preserve areas are shown on Figure 5 of the HMP. Properties or areas of the city identified in the HMP as proposed hardline preserve areas are shown on Figures 8 through 25 and 34 through 40 of the HMP. These areas shall be prohibited from development located in or encroaching into the hardline preserve area. Minor modifications to the boundaries of the proposed hardline preserve area shall only be allowed if approved as an equivalency finding pursuant to Section 21.210.090 of this chapter. Incidental take of covered species and direct impacts to habitat shall only occur outside the boundaries of the hardline preserve areas. Hardline preserve areas are to be designated as biological open space and preserved in such designation in perpetuity.

B. Standards Areas. Properties or areas of the city identified in the HMP as standards areas (HMP Figure 26) shall comply with all the habitat preservation standards contained in Section D.3(C) of the HMP which are incorporated by reference. Incidental take of covered species and direct impacts to habitat shall not be permitted in these areas until a development project is approved which complies with the standards and provides any land to the habitat preserve areas as required by the standards.
C. Additional Mitigation. In addition to setting-aside land for the preserve area, all impacts to habitat and covered species shall be mitigated as follows:

1. All development projects which impact habitat shall provide on-site or off-site replacement habitat in accordance with the mitigation ratios contained in Table 11 in Section D.6 of the HMP. Preference shall be given for on-site mitigation unless off-site mitigation provides for improved quality or configuration of open space. Replacement habitat shall be identified as part of the approval of the development project.

2. Larger, connected areas of habitat that is not impacted by development or brush management and preserved on-site within the boundaries of the property where the project is located shall be credited toward the mitigation ratios.

3. If at least sixty-seven percent of the habitat on the property where the development project is located is preserved, the project shall not be required to obtain off-site mitigation land in compliance with the mitigation ratios except if: 1) the project would otherwise be inconsistent with the HMP, IA, MHCP, and NCCP and 10(a)1(B) permits; 2) the proposed on-site preservation would reduce the city’s ability to meet the specific habitat conservation obligations in the HMP; and/or 3) the areas to be preserved on-site would not benefit the city’s preserve system (e.g., habitat exists in a small, isolated patch or patches outside of the focus planning area, and containing no narrow endemic species).

4. Mitigation of impacts through habitat restoration or habitat creation shall be allowed in limited circumstances and shall be mitigated at a higher ratio as determined by the city in consultation with the wildlife agencies.

D. Additional Conditions. In addition to the requirements, standards and conditions contained in subsections A, B and C of this section, the following additional conditions of coverage shall apply to all development projects. These conditions are intended to reference existing requirements and conditions contained in the HMP, IA, MHCP, and NCCP and 10(a)1(B) permit conditions; the conditions listed below are not intended to add additional requirements or conditions above those contained in the HMP, IA, MHCP, and NCCP and 10(a)1(B) permit conditions:

1. Impacts to narrow endemic species shall be avoided to the maximum extent practicable in conformance with the narrow endemic species policy contained in the MHCP and incorporated herein by reference, however where impacts to a narrow endemic species population are demonstrated to be unavoidable, impacts shall be limited to five percent of the total narrow endemic species population within the boundaries of the property where the development project is located. Relocation of the narrow endemic species cannot be used to meet the five percent numeric standard.

2. Grading for a development project during wildlife breeding seasons shall be prohibited, except as provided by the HMP and MHCP, unless a minor adjustment is specifically approved by the city and the wildlife agencies.

3. All development projects shall be located and designed to minimize overall impacts to natural habitat.

4. All fuel modification (brush management) zones required as a result of the development project, and as required by the fire marshal, shall be located outside the preserve areas, shall be considered impacted and shall be mitigated according to subsection C of this section.

5. Impacts to wetland and riparian habitats shall be avoided to the maximum extent possible. All development projects that would affect these habitats must demonstrate that the impacts: 1) cannot be avoided by a feasible alternative; 2) have been minimized to the maximum extent practicable; 3) mitigated at a minimum 3:1 ratio; and 4) will be mitigated in ways that assure no net loss of habitat value or function.

6. Impacts to vernal pools shall be avoided. In the event that no project alternative is feasible that avoids all impacts on a particular property, the impacts must be minimized and mitigated to achieve a no net loss of biological functions and values through strict adherence to the wetland
avoidance and mitigation criteria (Section 3.6.1 of MHCP Volume I), standard best management practices (MHCP Appendix B), and revegetation guidelines (MHCP Appendix C).

7. In the standards areas, sixty-seven percent of coastal sage scrub and seventy-five percent of the gnatcatchers located in the area shall be preserved. Some areas may preserve more or less than these percentages due to parcel size, location, resources, or long-term conservation potential as approved by the city and the wildlife agencies.

8. All development projects shall comply with the applicable standards of the MHCP (dated March 2003) and the measures to minimize impacts to covered species described in Section D.6, Table 9 and Appendix C of the HMP.

9. All development projects located in the coastal zone shall also be required to comply with the additional, general conservation standards contained in Section D.7, Standards 7-1 through 7-12 of the HMP and the additional, parcel-specific conservation standards contained in Section D.7, Standards 7-13 and 7-14 of the HMP as incorporated into the local coastal program.

E. Habitat In-Lieu Mitigation Fee. Development projects which are subject to additional mitigation pursuant to subsection C of this section and which impact habitat types D, E and F listed in Table 11 of the HMP shall pay a fee in an amount to be determined by city council resolution, in lieu of providing on-site or off-site mitigation land. The fee shall be used to fund the acquisition of habitat land in the MHCP as required by the HMP and implementing agreement. The fee shall be adjusted as necessary to acquire suitable habitat on a per acre basis comparable to the land being developed. (Ord. NS-783 § 1, 2006)

All development projects shall be required to provide for the permanent management, maintenance and biological monitoring in perpetuity of all on-site and off-site mitigation land and all habitat preserve areas within the boundaries of the property in which the project is located according to the provisions of this section:

A. Standard of Management. All preserve areas shall be managed, maintained and monitored according to the standards contained in Section F.2 of the HMP, Volume 2 and 3 of the MHCP and the citywide open space management plan.

B. Funding of Management. Based upon the management plan required by subsection D of this section, the developer shall provide a nonwasting endowment or other secure financial mechanism acceptable to the city planner to the identified conservation entity in an amount sufficient for management, maintenance and monitoring of the preserve areas and mitigation land in perpetuity. The endowment will be tied to the preserved land for which it is provided and will be held by the city or a third-party financial entity approved by the city with demonstrated success in managing endowments. Only the interest accrued from the endowment shall be paid to the property manager.

C. Conservation Easement Required. A conservation easement shall be placed on all preserve areas to ensure the area will be preserved in perpetuity, managed and maintained for its biological value and to prevent uses which will impair or interfere with the conservation of the area. At a minimum, the required conservation easement shall include the following:
   i. Identification of grantee, underlying land ownership, and third-party beneficiaries including the city and the wildlife agencies;
   ii. Permitted and prohibited uses;
   iii. Grantor’s duties and responsibilities as per the preserve management plan, which may be amended from time to time;
   iv. Enforcement provisions.

D. Preserve Management Plan. Prior to recordation of a final map (if applicable) or prior to issuance of a grading permit, the developer shall be required to submit a plan to identify how the preserve areas and mitigation land will be managed and maintained for the first year after the areas are set aside for pres-
The plan shall include the costs for managing and monitoring the areas in perpetuity and shall identify a conservation entity, subject to approval by the city planner, to serve as preserve manager and who possesses the necessary biological qualifications and experience to manage and monitor the preserve areas in perpetuity. The plan shall be based on the results of a property analysis record (PAR) or other method acceptable to the city planner. The plan shall commit the preserve manager to prepare a permanent preserve management plan and annual work plans and shall give the city the right to enforce the preparation and execution of the plans. The plan shall be approved by the city planner. The preserve management plan shall include the following:

i. An overall vision of the preserve area, its role in the citywide preserve system and its regional relationship;

ii. The baseline biological conditions as identified in field surveys of the property not more than one year old including an identification of the covered species that occur or have the potential to occur in the preserve area and the known or expected threats to the biological value of the area;

iii. Identification of resource management goals and specific conservation objectives based on the vision for the preserve area and baseline biological conditions;

iv. Area-specific management directives based on the resource goals and conservation objectives;

v. A description of preserve-level and subregional monitoring activities which shall be consistent with the HMP and MHCP volume I and II.

Appendix D of the citywide open space management plan contains an outline of the required format for preserve management plans.

E. Annual Work Plan. Each year, the preserve manager shall be obligated to submit to the planning division an annual work plan for each preserve area. The work plan shall identify specific problems and how they will be addressed, the planned monitoring and management actions for the year and include a prioritization of specific management needs and area-specific management directives. (Ord. CS-164 §§ 10, 11, 2011; Ord. NS-783 § 1, 2006)

Impacts to habitat and covered species shall not occur in the city until the permits required by this chapter have been approved. The permits required by this chapter shall be processed concurrently with any other development permits required by Titles 15, 18, 20 and 21 of the municipal code. (Ord. NS-783 § 1, 2006)

A. A minor HMP permit or HMP permit shall be required for any development project which directly or indirectly impacts natural habitat in accordance with the procedures set forth in this section.
1. A minor HMP permit shall be required, except as specified in subsection A.2 of this section.
2. A HMP permit shall be required if the permit application is processed concurrently with any other permit for which the planning commission or city council is the decision-making authority.

B. Application and Fees.
1. An application for a minor HMP permit or HMP permit may be made by the record owner or owners of the property affected by the development project or the authorized agent of the owner or owners. The application shall:
   a. Be made in writing on a form provided by the city planner.
   b. State fully the circumstances and conditions relied upon as grounds for the application.
   c. Be accompanied by:
      i. A legal description of the property involved.
      ii. Adequate plans that allow for detailed review pursuant to this chapter.
iii. A biological report, which demonstrates compliance with this chapter and includes the information specified in subsection C of this section.

iv. All other materials as specified by the city planner.

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

C. Biological Report.

1. The biological report shall be prepared by a biologist. The report shall identify:
   a. The location and quantifies of all habitat and vegetation on the property (or any off-site work area).
   b. The location of any covered species.
   c. The location of any off-site wetland, riparian habitat, oak woodland, nesting raptors or narrow endemic species located within one hundred feet of the property.

2. If the biological survey is conducted outside the acceptable time of year for identifying narrow endemic species, but the biologist identifies that narrow endemic species could be present on the property, then surveys for narrow endemic species must be conducted during the acceptable time of year in accordance with wildlife agencies protocols, if such protocols exist. The processing of the HMP permit application will be held in abeyance until the applicant submits subsequent surveys conducted during the acceptable time of the year.

3. For projects located in a proposed hardline area, a map shall be submitted showing the precise boundary of the proposed development area and the proposed preserve area consistent with the proposed hardline preserve area figures contained in the HMP.

4. For projects located in the standards areas, an analysis shall be submitted which exactly and clearly identifies:
   a. How the project complies with the standards and conditions contained in the HMP, MHCP, and IA, and any applicable permit conditions in the NCCP and 10(a)1(B) permits;
   b. The hardline preserve boundaries which would result from compliance with the standards; and
   c. How the project is being located on the least biologically sensitive portion of the property.

5. For projects which impact narrow endemic species, the following information shall be provided:
   a. A graphic depiction of all narrow endemic species located on the property where the development project is located;
   b. A written biological description of the status of the narrow endemic species;
   c. Quantification of both preservation of narrow endemic species and impacts to narrow endemic species associated with the project including direct and indirect effects on an area and individual plant basis;
   d. A written report of the feasibility or infeasibility of total avoidance of narrow endemic species population(s);
   e. A written description of project design features that reduce indirect effects such as edge treatments, landscaping, elevation differences, minimization and/or compensation through restoration or enhancement and consistently with the MHCP adjacency standards.

6. For projects which impact wetlands, the following information shall be provided:
   a. A graphic depiction of all wetlands located on the property where the development project is located;
   b. A written biological description of the status of the wetlands;
   c. Quantification of proposed impacts to wetlands associated with the project;
d. Written analysis of the inability to avoid impacts to wetlands;
e. Written description of project design features that minimize impacts to wetlands including buffers as described in Section 7-11 of the HMP.

7. An analysis of how the development project complies with the additional preservation conditions contained in Section 21.210.040(D) of this chapter.

8. A description of proposed additional mitigation consistent with Sections 21.210.040(C) and (E) of this chapter.

9. Any other information, data or analysis deemed necessary by the city planner.

D. Notices and Hearings.

1. Notice of an application for a minor HMP permit shall be given pursuant to the provisions of Sections 21.54.060.B and 21.54.061 of this title.

2. Notice of an application for a HMP permit shall be given pursuant to the provisions of Sections 21.54.060.A and 21.54.061 of this title.

E. Decision-Making Authority.

1. Applications for minor HMP permits and HMP permits shall be acted upon in accordance with the following:

   a. Minor HMP Permit.
      i. An application for a minor HMP permit may be approved, conditionally approved or denied by the city planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
      ii. The city planner may approve or conditionally approve the minor HMP permit if all of the findings of fact in subsection F of this section are found to exist.

   b. HMP Permit.
      i. An application for a HMP permit may be approved, conditionally approved or denied by the planning commission or city council, as specified in Section 21.54.042 of this title.
      ii. The decision on a HMP permit shall be based upon the decision-making authority’s review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
      iii. The decision-making authority shall hear the matter, and may approve or conditionally approve the HMP permit if all of the findings of fact in subsection F of this section are found to exist.

F. Required Findings.

1. No minor HMP permit or HMP permit shall be approved unless the decision-making authority finds that:
   a. The development project complies with the purpose and intent provisions of Section 21.210.010 of this chapter.
   b. The proposed development is in compliance with all provisions of the Carlsbad habitat management plan (HMP), the implementing agreement, the multiple habitat conservation plan (MHCP), the natural community conservation plan (NCCP) and 10(a)1(B) permit conditions, the preservation requirements set forth in Section 21.210.040 of this chapter and the management requirements set forth in Section 21.210.050 of this chapter.
c. The project design as approved by the city has avoided and minimized impacts to habitat and covered species to the maximum extent feasible.

d. If applicable, the take of covered species is consistent with the citywide incidental take permit issued for the HMP, will be incidental to otherwise lawful activities related to construction and operation of the project and will not appreciably reduce the likelihood of survival and recovery of the species.

G. Announcement of Decision and Findings of Fact. When a decision on a minor HMP permit or HMP permit is made pursuant to this chapter, the decision-making authority shall announce its decision in writing in accordance with the provisions of Section 21.54.120 of this title.

H. Effective Date and Appeals. Decisions on minor HMP permits and HMP permits shall become effective unless appealed in accordance with the applicable provisions of Sections 21.54.140 and 21.54.150 of this title.

I. Expiration, Extensions and Amendments.

1. The expiration period for an approved minor HMP permit or HMP permit shall be as specified in Section 21.58.030 of this title.

2. The expiration period for an approved minor HMP permit or HMP permit may be extended pursuant to Section 21.58.040 of this title.

3. An approved minor HMP permit or HMP permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Ord. CS-178 § CXXXII, 2012; Ord. CS-164 § 10, 2011; Ord. NS-783 § 1, 2006)

If a development project impacts a HMP covered species and an incidental take permit is required under the authority of the citywide incidental take permit issued for the HMP, the city planner shall have the authority to issue the take permit as long as a minor HMP permit or HMP permit has been approved for the project. (Ord. CS-178 § CXXXIII, 2012)

Certain HMP implementation actions will require an amendment to the HMP as follows:

A. Minor Amendments.

1. Equivalency Findings. Minor changes to the boundary of proposed hardline preserve areas or other HMP maps which do not reduce the acreage or quality of habitat are considered minor amendments to the HMP and can be approved by the city with equivalency findings. The city shall provide written notice of the equivalency findings to the wildlife agencies, and unless the agencies object within thirty days of notification, the change will be considered automatically approved. If objections are raised, the city will meet with the agencies to resolve the objection and written approval of the change from the agencies will be required.

2. Consistency Findings. The conversion of standards areas to hardline preserve areas and the processing of certain city projects not shown as hardline preserve areas in the HMP are considered minor amendments to the HMP and can be approved by the city with consistency findings as follows:

a. Conversion of Standards Areas to Hardline Preserve Areas. If the city planner determines that the new hardline preserve area boundary conforms to the standards contained in Section D.3(C) of the HMP, the planner shall consult with the wildlife agencies as part of the environmental review process for the development project. If objections to the new preserve area boundaries are not received during the public review period for the environmental review process from the wildlife agencies, consistency findings shall be prepared and adopted as part of the normal development permitting process for the project.
b. City Projects. For city projects not proposed as hardline preserve areas and not requiring any discretionary review and permitting process, the city shall review the project for compliance with the standards contained in Section 21.210.040 of this chapter. If the city project complies, it shall be determined to be consistent with the HMP and the city planner shall make consistency findings.

3. Other Minor Amendments.
   a. Minor amendments may also be considered for the following cases:
      i. The total impact to habitat is less than one acre, the habitat is not occupied by a covered species, does not impact a narrow endemic species or a wetland and the habitat mitigation in-lieu fee is assessed pursuant to Section 21.210.040(E) of this chapter;
      ii. The development project is an essential public works project resulting in a public facility or infrastructure that benefits the community at large and strict adherence to the requirements would render the project completely infeasible;
      iii. Strict application of the requirements of this chapter would result in development of less than twenty-five percent of the property. Development shall occur on the least biologically sensitive portion of the property;
      iv. The alternate design results in a biologically superior development.
   b. Process for Minor Amendments for These Cases. A request for a minor amendment shall be processed concurrently with any other permit required for the development project. Supporting data and information shall be submitted by the applicant for the minor amendment which clearly demonstrates that the project design, siting and size are the minimum necessary to make the project feasible or provide an economically viable use of the property. The city planner shall consult with and obtain approval from the wildlife agencies in reviewing a request for a minor amendment. The minor amendment shall require the approval or conditional approval of the planning commission or city council based on whichever authority is the final decision-maker on the concurrent permit(s) [Note: Such projects may require a major amendment (described below) depending upon the nature of the impact and conflict with the HMP, IA, MHCP, and NCCP and 10(a)1(B) permits].
   c. Required Findings. No minor amendment request shall be approved unless the decision-making body finds that:
      i. If applicable, the project is an essential public works project that will service the community at large;
      ii. The proposed project and all project alternatives have been analyzed in an appropriate environmental (CEQA) document;
      iii. The impacts to habitat have been minimized to the maximum extent practicable;
      iv. The project has mitigated its impacts to the maximum extent practicable; and
      v. The project does not reduce the ability to meet the specific habitat conservation obligations of the HMP, IA, MHCP, and NCCP and 10(a)1(B) permits.

B. Major Amendments. Removal of lands from conserved areas, or reconfiguration of hardline areas resulting in a decrease of acreage, quality of habitat, or function of the conserved area shall constitute a major amendment to the HMP. Additions to the covered species list shall also require a major amendment to the plan. Major amendments shall require public, environmental review (CEQA and NEPA) and will be subject to the following amendment process:

1. The city will initiate a pre-amendment review with the wildlife agencies. In this review, the city will present a report that identifies the change or the affected species. The purpose of the review
meeting will be to determine whether adequate information is available to consider approval of the change.

2. Within ninety days of the review meeting, the wildlife agencies will notify the city that they have sufficient information to act on the proposed change; have specific items of additional information necessary to properly evaluate the proposed changes; or have determined that additional data collection and analysis is necessary for adequate evaluation of the impacts of the proposed change.

3. Where specific items of additional information are requested, the city will provide the information to the extent it is reasonably available within ninety days. Where additional data collection and analysis are requested, the agencies will provide a detailed explanation of what is required and the purpose of the data and analysis.

4. Once the additional information is received, the agencies shall notify the city within thirty days whether the change is approved. If approved, the change shall constitute an amendment of the plan which shall then be presented to the city council for approval and adoption. (Ord. CS-164 § 10, 2011; Ord. NS-783 § 1, 2006)

From time to time, the city planner may, upon review by the city attorney, prepare guidelines to assist in the implementation of this chapter or the HMP, including but not limited to, wetland preservation and mitigation. The city planner shall have the authority to approve and publish any guidelines. (Ord. CS-164 § 10, 2011; Ord. NS-783 § 1, 2006)

A. Whenever the city planner determines that a violation of this chapter has occurred or an individual has impacted habitat without the benefit of an HMP permit, the following enforcement measures and remedies may be undertaken by the city planner, in lieu of or in addition to any remedial actions undertaken in accordance with Section 15.16.140 of the municipal code.

1. Stop Work Notice. The city planner shall issue a stop work order demanding that all activities in violation of this chapter be stopped until a valid HMP permit is obtained and corrective action is authorized by the city planner.

2. Corrective Action. The city planner, in consultation with the wildlife agencies, shall determine the extent of corrective action necessary to cure the violation. Corrective action may include a higher mitigation ratio than specified in Table 11 of Section D.6 of the HMP.

3. Owner-Notification. The owner of the property shall be notified in writing that a violation has occurred. The notification shall specify the location, nature and extent of the activity or condition which contributed to the violation, the corrective action needed to cure the violation and the period of time deemed necessary by the city planner to correct the violation. The appeal process contained in Section 21.51.140 of this code shall apply to the city planner’s determination.

4. Record Notice of Violation. In the event that the owner does not correct the violation in the manner or within the time period requested by the city planner, the city planner shall record a notice of HMP violation against the property with the county recorder. Upon completion of any corrective action and/or issuance of a valid HMP permit and upon payment of the investigation fee required pursuant to this section, the city planner shall file a notice of release of HMP violation with the county recorder releasing the property from the notice of violation.

5. Prohibition of Development Permits. Any property which has a notice of HMP violation recorded against it shall be prohibited from obtaining or using any development permit pursuant to Titles 18, 20 and 21 of this code until after all corrective actions are taken in accordance with the requirements of the city planner and, a notice of release of violation has been recorded with the county recorder.
6. Investigation Fee. An investigation fee established by city council resolution shall be paid by the person responsible for the violation in accordance with the provisions of this chapter. The payment of such investigation fee shall not relieve any person from the performance of the corrective work or otherwise complying with the requirements of this chapter.

7. Criminal Penalties. Each person, firm or corporation who commences or does any activity contrary to the provisions of this chapter, or otherwise violates the provisions of this chapter, is guilty of an infraction. Every day during any portion of which any violation of any provisions of this title is committed, continued or permitted by such person, firm or corporation, shall be deemed a separate violation and shall be punishable as provided in this title and in Section 1.08.010(B) of this code.

8. Abatement of Public Nuisance. Any activity commenced or done contrary to the provisions of this chapter, or other violation of this chapter, shall be, and the same is declared to be, a public nuisance. Upon order of the city council, the city attorney shall commence necessary proceedings for the abatement of any such public nuisance in the manner provided by law. Any failure, refusal, or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed in connection with any activity commenced or done contrary to the provisions of this chapter.

9. Civil Action. The city attorney may, at the request of the city planner, initiate any appropriate civil action in a court of competent jurisdiction to enforce the stop work notice, including the required corrective actions, including the recovery of any funds expended by the city to abate any public nuisance resulting from an unlawful act as defined in Section 15.16.170 of the municipal code and any additional civil penalties provided for by law. (Ord. CS-164 § 10, 2011; Ord. NS-783 § 1, 2006)
Title 22

HISTORIC PRESERVATION

Chapters:

22.02 General Regulation and Administration
22.06 Historic Resources, Historic Landmarks and Historic Districts
22.08 Permits and Permit Procedures
Chapter 22.02

GENERAL REGULATION AND ADMINISTRATION

Sections:
22.02.010 Short title.
22.02.020 Purpose and intent.
22.02.030 Boundaries and areas of application.
22.02.040 Definitions.
22.02.050 Review of environmental documents.

22.02.010 Short title.
This title shall be known as the "Historic Preservation Ordinance." Compliance with this chapter shall be voluntary. (Ord. NS-433 § 2, 1997; Ord. 9776 § 1, 1985)

22.02.020 Purpose and intent.
It is the intent and purpose of this title to:
A. Effect and accomplish the protection, enhancement and perpetuation of historic resources that represent or reflect elements of the city's cultural, social, economic, political and architectural history;
B. Safeguard the city's historic heritage by encouraging preservation of its historic resources;
C. Stabilize and improve property values;
D. Foster civic pride in the character and accomplishments of the past;
E. Protect and enhance the city's historic attractions for residents, tourists and visitors and serve as a support and stimulus to business and industry;
F. Strengthen the economy of the city;
G. Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city. (Ord. NS-433 § 2, 1997; Ord. 9776 § 1, 1985)

22.02.030 Boundaries and areas of application.
This title shall apply to all historic resources, publicly and privately owned, within the corporate limits of the city. (Ord. NS-433 § 2, 1997; Ord. 9776 § 1, 1985)

22.02.040 Definitions.
For the purpose of this chapter, the following words and phrases shall have the following meanings:
"Alteration" means any change or modification, through public or private action, of any historic resource, or of any property located within a historic district, including, but not limited to, exterior changes to or modifications of a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbances of archeological sites or areas, and the placement or removal of any objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the historic qualities of the property.
"Commission" means the historic preservation commission established by this title.
"Historic district" means any area which contains several historic resources or landmarks which have special character or special historical value, or which represent one or more architectural periods or styles typical to the history of the city, that has been designated a historic district pursuant to this title.
“Historic landmark” means any property or improvement, manmade or natural, which has special historic, cultural, architectural, archeological, or community interest or value as part of the development, heritage or history of the city, the State of California, or the nation, and that has been designated as a historic landmark pursuant to this title.

“Historic resource” means sites, places, areas, landscape, buildings, structures, signs, features, or other objects of scientific, aesthetic, educational, cultural, architectural, or historic significance to the citizens of the city and includes both historic landmarks and historic districts.

“Historic site” means any parcel or portion of real property which has special character or special historic, cultural, archeological, paleontological, architectural, community or aesthetic value. (Ord. NS-433 § 2, 1997; Ord. NS-141 § 1, 1991; Ord. 9835 § 1, 1987; Ord. 9776 § 1, 1985)

22.02.050 Review of environmental documents.
As part of the environmental review of development projects affecting historic structures, archeological or paleontological sites, as shown on the historic resources inventory or as identified in the environment study, the environment documents shall be referred to the historic preservation commission for review. The commission may review and comment upon the environment documents of the referral. The commission shall comment within the public review time limits established by the California Environmental Quality Act. (Ord. NS-433 § 2, 1997; Ord. NS-141 § 2, 1991; Ord. 9776 § 1, 1985)
Chapter 22.06

HISTORIC RESOURCES, HISTORIC LANDMARKS AND HISTORIC DISTRICTS

Sections:

22.06.010 Establishment of historic resources inventory.
22.06.020 Criteria for historic resources inventory.
22.06.030 Historic site and landmark designation procedures.
22.06.040 Historic district designation procedures.

22.06.010 Establishment of historic resources inventory.
The city shall establish and adopt a historic resources inventory. (Ord. NS-433 § 3, 1997; Ord. NS-141 § 4, 1991; Ord. 9776 § 1, 1985)

22.06.020 Criteria for historic resources inventory.
A historic resource may be considered and approved by council for inclusion in the historic resources inventory based on one or more of the following:
A. It exemplifies or reflects special elements of the city’s cultural, social, economic, political, aesthetic, engineering or architectural history; or
B. It is identified with persons or events significant in local, state or national history; or
C. It embodies distinctive characteristics of a style, type, period or method of construction, is a valuable example of the use of indigenous materials or craftsmanship or is representative of a notable work of an acclaimed builder, designer or architect; or
D. It is an archaeological, paleontological, botanical, geological, topographical, ecological or geographical site which has the potential of yielding information of scientific value; or
E. It is a geographically definable area with a concentration of buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement. (Ord. NS-433 § 3, 1997; Ord. NS-141 § 5, 1991; Ord. 9776 § 1, 1985)

22.06.030 Historic site and landmark designation procedures.
Historic sites and landmarks shall be established by the city council in the following manner:
A. Any person, association, or agency may request the designation of a site, landscape feature, or improvement as a historic landmark by submitting a written request for such designation to the historic preservation commission. The historic preservation commission, planning commission, design review board, or city council may also initiate such proceedings by motion.
B. Any such request shall be filed with the development processing department upon prescribed forms and shall include the following data:
   1. Name and address of property owner and assessor’s parcel number and address of site;
   2. Description of the proposed historic site or landmark, including special aesthetic, cultural, archaeological, paleontological, architectural, or engineering interest or value of a historic nature, including information about the architecture, notable features, construction and other information indicating the historical significance of the site;
   3. Sketches, photographs, or drawings;
   4. Statement of condition of structures;
   5. Explanation of any known threats to the improvement of the site;
22.06.040 Historic district designation procedures.

Historic districts shall be established by the city council in the following manner:

A. The procedures for designating a historic district shall be the same as for designating a historic landmark, except as otherwise provided in this section.

B. Any application for designation of a historic district shall be filed with the planning division upon the prescribed form and shall include the following data:

1. Boundaries of the proposed district and a list of names and addresses of property owners, assessor’s parcel numbers and addresses of properties within the boundaries;

2. Description of the proposed historic district, including special aesthetic, cultural, architectural, or engineering interest or value of a historical nature;

3. Sketches, photographs or drawings;

4. Statement of condition of structures and improvements within the district;
5. Explanation of any known threats to any cultural resource within the district;
6. Other information requested by the planning division.

C. If written consent of all of the owners of property within the proposed district to the proposed designation is not obtained at the time of the historic preservation commission hearing, the process shall terminate and the commission shall notify the property owners and applicant of such termination within 14 days of the commission’s determination.

D. If the commission determines that the area warrants historic district designation, it shall submit a written recommendation to the city council incorporating its reasons in support of the proposed historic district designation, within 14 days of reaching its decision. Such recommendation shall include a report containing the following information:

1. A map showing the proposed boundaries of the historic district identifying all structures within the boundaries;
2. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries;
3. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, parking regulations, and any other modification to existing development standards necessary or appropriate to the preservation of the proposed historic district. (Ord. NS-433 § 3, 1997; Ord. 9776 § 1, 1985)
PERMITS AND PERMIT PROCEDURES

Sections:
22.08.010 Permits to work on a historic resource, historic landmark or historic district.
22.08.020 Permit procedure.
22.08.030 Permit criteria.
22.08.040 Duty to keep in good repair.
22.08.050 Existing improvements.

22.08.010 Permits to work on a historic resource, historic landmark or historic district.
The permit process for work on historic resources is as follows:
A. It is unlawful for any person to alter, tear down, demolish, construct, remove or relocate any improvement, or any portion thereof which has been designated a historic site or landmark, or which lies within a historic district, without first obtaining a permit from the city building department.
B. No permit shall be necessary for ordinary maintenance and repair if the proposed work will not alter or change the style, color, design, features or character of the site or area and a permit is not required under Section 301(b) of the Uniform Building Code, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building department certifies to the council that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code.
C. The permit required by this chapter shall be in addition to any other permit required for a proposed project. (Ord. NS-433 § 4, 1997; Ord. 9776 § 1, 1985)

22.08.020 Permit procedure.
The permit procedure for work on historic resources is as follows:
A. An application for a permit to do work at a historic site, in a historic district, or on a historical landmark shall be submitted to the development processing division on forms designated by the city planner. Within 30 days from the receipt of such complete application the commission shall review the application and shall make a written report to the city council. The city council shall hold a public hearing on the application within 30 days of receipt of the commission report. Notice of the public hearing shall be given as provided in Section 21.54.060(b) of this code.
B. At the conclusion of the public hearing on the permit application, the city council shall, by resolution, issue or deny, in whole or in part, any permit application.
C. Any property owner whose property is designated a historic resource or is located within a historic district may voluntarily have their property removed from the list of historic resources upon a request in writing to the historic preservation commission. (Ord. CS-164 § 10, 2011; Ord. NS-676 § 15, 2003; Ord. NS-433 § 4, 1997; Ord. 9776 § 1, 1985)

22.08.030 Permit criteria.
The city council shall issue a permit for any proposed work if, and only if, it determines:
A. In the case of a designated historical site, that the proposed work would not detrimentally alter, destroy or adversely affect any archeological, paleontological, or landscape feature;
B. That any exterior improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, building and structures on said site;
C. That the applicant has presented clear and convincing evidence of facts demonstrating to the satisfaction of the city council that such disapproval will work immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be the property owner, tenant or resident, or because of conditions peculiar to the particular improvement, building or structure or other feature involved, and that approval of the application will be consistent with the purposes of this chapter. (Ord. NS-433 § 4, 1997; Ord. 9776 § 1, 1985)

22.08.040 Duty to keep in good repair.
The owner, occupant or other person legally responsible for a historic resource shall keep in good repair all portions of such historic site, landmark, or district as specified in the designating ordinance or permit and all interior portions and appurtenances thereof whose maintenance is necessary to prevent deterioration and decay of the resource. Failure to keep such property in good repair may result, upon recommendation of the historic preservation commission, in removal from the list of historic resources. (Ord. NS-433 § 4, 1997; Ord. 9776 § 1, 1985)

22.08.050 Existing improvements.
All repairs, alterations, reconstructions, restorations or changes in use of existing improvements shall conform to the requirements of the California Historical Building Code. (Ord. NS-433 § 4, 1997; Ord. 9776 § 1, 1985)
Statutory References for California Cities

These references direct the code user to those portions of the state statutes relevant to California cities. This reference list is current through April 2015, and will be periodically updated by Quality Code Publishing as statutes are revised.

Contents:

- General Provisions............................................................................................................. SR-1
- Administration and Personnel ............................................................................................. SR-2
- Revenue and Finance .......................................................................................................... SR-2
- Business Licenses, Taxes and Regulations........................................................................... SR-3
- Animals................................................................................................................................ SR-3
- Health and Safety............................................................................................................... SR-3
- Public Peace, Morals and Welfare ..................................................................................... SR-4
- Vehicles and Traffic............................................................................................................. SR-4
- Streets, Sidewalks and Public Places ................................................................................ SR-5
- Public Services.................................................................................................................... SR-5
- Buildings and Construction.................................................................................................. SR-5
- Subdivisions ....................................................................................................................... SR-5
- Zoning .................................................................................................................................. SR-5
- Environmental Protection .................................................................................................... SR-6

General Provisions

Administrative fines and penalties
Gov. Code § 53069.4

Alternative forms of government
Gov. Code § 34851 et seq.**

Authority to adopt, amend, revise or repeal city charters
Cal. Const. Art. XI §§ 3 and 5*

Citations for infractions and misdemeanors
Penal Code §§ 853.5—853.85

Classifications of cities
Gov. Code §§ 34100—34102

Code adoption
Gov. Code §§ 50022.1—50022.10

Conflict of interest code
Gov. Code § 87100 et seq.

Elections
Gov. Code §§ 34050 and 36503
Elections Code §§ 1301, 9200 et seq., and 10100 et seq.

Expedited judicial review of First Amendment cases
Code of Civil Procedure § 1094.8

False petitions
Gov. Code § 34093

General powers
Gov. Code § 37100 et seq.
Cal. Const. Art. XI § 7

Imprisonment
Gov. Code §§ 36901, 36903—36904

Initiative and referendum
Cal. Const. Art. XI § 7.5
Elections Code §§ 9200 et seq., and 9235 et seq.

* Applicable solely to chartered cities.
** May not be applicable to chartered cities.
STATUTORY REFERENCES

Judicial review of city decisions
  Code of Civil Procedure § 1094.6

Ordinances
  Gov. Code § 36900 et seq.

Penalties for ordinance violations
  Gov. Code §§ 36900 and 36901

Police power
  Cal. Const. Art. XI § 7

Procedure for enactment or revision of city charters
  Gov. Code § 34450 et seq.*

Administration and Personnel

Chief of police
  Gov. Code § 41601 et seq.**

City assessor
  Gov. Code § 41201 et seq.**

City attorney
  Gov. Code § 41801 et seq.**

City clerk
  Gov. Code § 40801 et seq.**

City manager
  Gov. Code §§ 34851—34859**

City officers generally
  Gov. Code § 36501**

City records
  Gov. Code §§ 34090—34090.7

City treasurer
  Gov. Code § 41001 et seq.**

Election of legislative body by districts
  Gov. Code § 34870 et seq.

Elected mayor
  Gov. Code §§ 34900—34905**

The California Emergency Services Act
  Gov. Code § 8550 et seq.

Fire department
  Gov. Code § 38611

Legislative body
  Gov. Code § 36801 et seq.

Local emergencies
  Gov. Code §§ 8630—8634

Local planning agencies
  Gov. Code § 65100 et seq.

Mayor
  Gov. Code §§ 36801—36803 and 40601 et seq.**

Meetings (“Ralph M. Brown Act”)
  Gov. Code § 54950 et seq.

Peace officer standards and training
  Penal Code § 13500 et seq.

Personnel system
  Gov. Code § 45000 et seq.

Retirement systems
  Gov. Code § 45300 et seq.

Revenue and Finance

Chartered city special assessment procedure
  Gov. Code § 43240*

Claims against public entities
  Gov. Code § 900 et seq.

Contracting by local agencies (“Local Agency Public Construction Act”)

Development fees
  Gov. Code § 66000 et seq.

Financial powers
  Gov. Code § 37200 et seq.

Fiscal year in chartered cities
  Gov. Code § 43120*

Graffiti prevention tax
  Rev. and Tax. Code §§ 7287—7287.10

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Local agency service fees and charges
Gov. Code § 66012 et seq.

Property tax assessment, levy and collection
Gov. Code § 43000 et seq.

Public works and public purchases
Gov. Code § 4000 et seq.

Bradley-Burns Uniform Local Sales and Use Tax Law
Rev. and Tax. Code § 7200 et seq.
Gov. Code § 37101

Special gas tax street improvement fund
Str. and Hwys. Code § 2113

The Documentary Transfer Tax Act
Rev. and Tax. Code § 11901 et seq.

Transfer of tax function to county
Gov. Code § 51500 et seq.

Transient occupancy tax
Rev. and Tax. Code §§ 7280—7283.51

Unclaimed property
Civil Code § 2080 et seq.

Uniform public construction cost accounting act

Business Licenses, Taxes and Regulations

Authority to license businesses
Gov. Code § 37101
Bus. and Prof. Code § 16000 et seq.

Automatic checkout systems
Civil Code § 7100 et seq.

Bingo
Penal Code § 326.5

Charitable solicitations
Bus. and Prof. Code § 17510 et seq.

Commercial filming
Gov. Code § 65850.1

Community antenna television systems
Gov. Code § 53066 et seq.

Gambling Control Act
Bus. and Prof. Code § 19800 et seq.

Massage parlors
Gov. Code § 51030 et seq.

Private Investigator Act
Bus. and Prof. Code § 7512 et seq.

Taxicabs and vehicles for hire
Vehicle Code §§ 16500 et seq., 21100(b) and 21112
Gov. Code § 53075.5

Animals

Animals generally
Food and Agric. Code § 16301 et seq.

Cruelty to animals
Penal Code § 597 et seq.

Dangerous and vicious dogs
Food and Agric. Code § 31601 et seq.

Dogs and dog licenses
Gov. Code § 38792
Food and Agric. Code § 30501 et seq.

Rabies control
Health and Saf. Code § 121575 et seq.

Health and Safety

Delinquent garbage fees
Gov. Code § 38790.1

Fire prevention
Health and Saf. Code § 13000 et seq.

Fireworks
Health and Saf. Code §§ 12500 et seq.
(State Fireworks Law) and 12640 et seq.
(Permits)

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<table>
<thead>
<tr>
<th>STATUTORY REFERENCES</th>
</tr>
</thead>
</table>
| Garbage and refuse collection and disposal | **Public Resources Code §§ 49300 and 49400**
| | **Gov. Code § 38790**
| Graffiti abatement | **Gov. Code §§ 38772 and 53069.3**
| Hospitals | **Gov. Code § 37600 et seq.**
| Littering | **Penal Code § 374**
| Noise control | **Health and Saf. Code § 46000 et seq.**
| | **Gov. Code § 65302(f)**
| Nuisance abatement | **Gov. Code § 38771 et seq.**
| | **Penal Code §§ 370, 372 and 373a**
| Weed control | **Gov. Code §§ 39501—39502**
| **Public Peace, Morals and Welfare** | 
| Crimes against property | **Penal Code § 450 et seq.**
| Crimes against public health and safety | **Penal Code § 369a et seq.**
| Crimes against public justice | **Penal Code § 92 et seq.**
| Crimes against the person | **Penal Code § 187 et seq.**
| Crimes against the person involving sexual assault and against public decency and good morals | **Penal Code § 261 et seq.**
| Crimes against the public peace | **Penal Code § 403 et seq.**
| Minors | **Penal Code § 858(b) 858**
| **Weapons** | **Penal Code §§ 12001 et seq., 17500 et seq., and 19910 et seq.**
| **Vehicles and Traffic** | 
| Bicycles | **Vehicle Code §§ 21100(h), 21206 and 39000 et seq.**
| Curb markings | **Vehicle Code § 21458**
| Establishments of crosswalks | **Vehicle Code § 21106**
| Local traffic rules and regulations | **Vehicle Code § 21100 et seq.**
| One-way street designations | **Vehicle Code § 21657**
| Pedestrian rights and duties | **Vehicle Code § 21949 et seq.**
| Penalties | **Vehicle Code § 40000.1 et seq.**
| Speed limits | **Vehicle Code § 22348 et seq.**
| Stopping, standing, and parking | **Vehicle Code § 22500 et seq.**
| Through highways | **Vehicle Code §§ 21101(b), 21353 and 21354**
| Traffic control devices | **Vehicle Code § 21350 et seq.**
| Traffic signs, signals and markings | **Vehicle Code § 21350 et seq.**
| Turning movements | **Vehicle Code § 22100 et seq.**
| Vehicle weight limits | **Vehicle Code § 35700 et seq.**

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### Streets, Sidewalks and Public Places

- **Advertising displays**
  - *Bus. and Prof. Code §§ 5230, 5231 and 5440 et seq.*
- **Constructions of sidewalks and curbs**
  - *Str. and Hwys. Code § 5870 et seq.*
- **Improvement Act of 1911**
  - *Str. and Hwys. Code § 5000 et seq.*
- **Landscaping and Lighting Act of 1972**
  - *Str. and Hwys. Code § 22500 et seq.*
- **Municipal parks**
  - *Public Resources Code § 5181 et seq.*
- **Obstructions and encroachments of public ways**
  - *Gov. Code § 38775*
- **Tree Planting Act of 1931**
  - *Str. and Hwys. Code § 22000 et seq.*
- **Underground utility districts**
  - *Str. and Hwys. Code § 5896.1 et seq.*
  - *Gov. Code § 38793*

### Buildings and Construction

- **Adoption of construction codes**
  - *Health and Saf. Code §§ 17922, 17958 and 17958.5*
- **Authority to regulate buildings and construction**
  - *Gov. Code §§ 38601(b) and 38660*
- **Inspection warrants**
  - *Code of Civil Procedure § 1822.50 et seq.*
- **Mobilehomes**
- **Signs**
  - *Gov. Code §§ 38774 and 65850(b)*
  - *Bus. and Prof. Code § 5229 et seq.*
- **State Housing Law**

### Subdivisions

- **Subdivision Map Act**
  - *Gov. Code § 66410 et seq.*

### Zoning

- **Family day care homes**
- **Local authority to regulate land use**
  - *Gov. Code § 65850*
- **Local planning generally (“Planning and Zoning Law”)**
- **Local zoning administration**
- **Open-space zoning**
  - *Gov. Code § 65910 et seq.*
- **Zoning fees and charges**
  - *Gov. Code § 66014*

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Environmental Protection

The California Environmental Quality Act
  * Public Resources Code § 21000 et seq.

The California Noise Control Act of 1973
  * Health and Saf. Code § 46000 et seq.
  ** Gov. Code § 65302(f)

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# CODES ADOPTED BY REFERENCE

<table>
<thead>
<tr>
<th>ADOPTED CODE</th>
<th>ORDINANCE NUMBER</th>
<th>CMC SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COUNTY CODES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Diego County Code of Regulatory Ordinances, Title 6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division 1 (Food)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division 4 (Disease Control)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division 5 (Permit Fees and Procedures for Businesses and Health Regulated Activities)</td>
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<td></td>
</tr>
<tr>
<td>Division 6, Chapter 1 (Applications, Permits and Fees), Chapter 6 (Bathhouses), Chapter 9 (Enforcement of State Housing Law), and Chapter 10 (Permits for Apartments and Hotels)</td>
<td>CS-198</td>
<td>6.02.010</td>
</tr>
<tr>
<td>Division 7, Chapter 3 (Public Swimming Pool Plans) and Chapter 4 (Wells)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division 8, Chapter 3 (Septic Tanks and Seepage Pits), Chapter 6 (Septic Tanks and Cesspool Cleaners), and Chapter 12 (Medical Wastes)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division 9 (Unsanitary Premises)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Diego Code of Regulatory Ordinances, Title 6, Division 8, Chapters 9 and 11</td>
<td>NS-592</td>
<td>6.03.010</td>
</tr>
<tr>
<td>San Diego County Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 414, Subsection (c)(6), as amended by Ord. No. 9962 (N.S.), effective 1/9/09</td>
<td>CS-279</td>
<td>7.08.010</td>
</tr>
<tr>
<td>San Diego County Code of Regulatory Ordinances, Title 6, Division 2, Chapter 6, as amended by Ordinance No. 10036 (N.S.), effective 2/26/10</td>
<td>CS-279</td>
<td>7.08.010</td>
</tr>
<tr>
<td><strong>STATE CODES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Vehicle Code Section 22852</td>
<td>NS-625</td>
<td>10.40.015</td>
</tr>
<tr>
<td>California Fire Code, 2013 Edition</td>
<td>CS-246</td>
<td>17.04.010</td>
</tr>
<tr>
<td>California Mechanical Code, 2013 Edition</td>
<td>CS-245</td>
<td>18.08.010</td>
</tr>
<tr>
<td>California Plumbing Code, 2013 Edition</td>
<td>CS-245</td>
<td>18.16.010</td>
</tr>
<tr>
<td>California Residential Code, 2013 Edition, including Appendix Chapter H</td>
<td>CS-245</td>
<td>18.20.010</td>
</tr>
<tr>
<td>California Environmental Quality Act (Public Resources Code, Sections 21000 et seq.)</td>
<td>NS-593</td>
<td>19.04.020</td>
</tr>
<tr>
<td>California CEQA guidelines contained in Title 14, Division 6 of Chapter 3, Section 15000 et seq., of the California Code of Regulations</td>
<td>NS-593</td>
<td>19.04.020</td>
</tr>
<tr>
<td>ADOPTED CODE</td>
<td>ORDINANCE NUMBER</td>
<td>CMC SECTION</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>NATIONAL CODES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uniform Housing Code, 1997 Edition</td>
<td>NS-477</td>
<td>18.06.010</td>
</tr>
<tr>
<td>Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, except Section 110.0 (Fees)</td>
<td>NS-531</td>
<td>18.17.010</td>
</tr>
<tr>
<td>The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the San Diego County and incorporated areas Flood Insurance Study (FIS), dated June 19, 1997, and accompanying Flood Insurance Rate Map (FIRM), dated June 19, 1997, and all subsequent amendments and/or revisions</td>
<td>NS-664</td>
<td>21.110.070</td>
</tr>
</tbody>
</table>
### ORDINANCE LIST AND DISPOSITION TABLE

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1000 Series</strong></td>
<td>Administrative Ordinances (1952—1988)</td>
</tr>
<tr>
<td>1005</td>
<td>Officers, claims against city (2.08, 3.32)</td>
</tr>
<tr>
<td>1005A</td>
<td>Claims against city (3.32)</td>
</tr>
<tr>
<td>1005B</td>
<td>Amends Ord. 1005, payments of financial demands</td>
</tr>
<tr>
<td>1005-C</td>
<td>Amends Ord. 1005, adoption of ordinances</td>
</tr>
<tr>
<td>1006</td>
<td>Establishes planning committee</td>
</tr>
<tr>
<td>1007</td>
<td>Establishes city council meeting place</td>
</tr>
<tr>
<td>1008</td>
<td>Establishes city council meeting times</td>
</tr>
<tr>
<td>1009</td>
<td>Officers’ bonds (2.08)</td>
</tr>
<tr>
<td>1010</td>
<td>Tax collection and levying (3.04)</td>
</tr>
<tr>
<td>1015</td>
<td>Civil defense and disaster (6.04)</td>
</tr>
<tr>
<td>1015A</td>
<td>Civil defense and disaster (6.04)</td>
</tr>
<tr>
<td>1018</td>
<td>Grants franchise to San Diego Gas &amp; Electric Co.</td>
</tr>
<tr>
<td>1019</td>
<td>Grants franchise to San Diego Gas &amp; Electric Co.</td>
</tr>
<tr>
<td>1020</td>
<td>Planning commission (2.24)</td>
</tr>
<tr>
<td>1025</td>
<td>Creates park, recreation, beach and tree commission (2.36)</td>
</tr>
<tr>
<td>1026</td>
<td>Amends Ord. 1025, changing name to park and recreation commission</td>
</tr>
<tr>
<td>1030</td>
<td>Revenue amount for fiscal year 1953-54</td>
</tr>
<tr>
<td>1031</td>
<td>Sets tax rate for fiscal year 1953-54</td>
</tr>
<tr>
<td>1032</td>
<td>Creates harbor commission</td>
</tr>
<tr>
<td>1032-A</td>
<td>Amends Ord. 1032, providing that members of harbor commission are appointed by mayor and confirmed by city council</td>
</tr>
<tr>
<td>1033</td>
<td>Sets tax rate for fiscal year 1954-55</td>
</tr>
<tr>
<td>1037</td>
<td>Creates library commission</td>
</tr>
<tr>
<td>1040</td>
<td>City manager (2.12)</td>
</tr>
<tr>
<td>1042</td>
<td>Revenue for fiscal year 1955-56</td>
</tr>
<tr>
<td>1043</td>
<td>Tax rate for sanitary maintenance and Terramar lighting district for fiscal year 1955-56</td>
</tr>
<tr>
<td>1044</td>
<td>Repeals Ord. 1043 (Repealer)</td>
</tr>
<tr>
<td>1045</td>
<td>1956-57 Budget</td>
</tr>
<tr>
<td>1046</td>
<td>Tax rate for sewer district No. 2 for fiscal year 1956-57</td>
</tr>
<tr>
<td>1049</td>
<td>Amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1050</td>
<td>Creates office of director of finance (2.20)</td>
</tr>
<tr>
<td>1053</td>
<td>Annexation of South Carlsbad No. 1.1</td>
</tr>
<tr>
<td>1054</td>
<td>Revenue to support city departments and pay sewer district bond</td>
</tr>
<tr>
<td>1055</td>
<td>Sets tax rate for city and sewer district for 1957-58</td>
</tr>
<tr>
<td>1056</td>
<td>Annexation of South Carlsbad No. 1.2</td>
</tr>
<tr>
<td>1056-A</td>
<td>Repeals Ord. 1056 (Repealer)</td>
</tr>
<tr>
<td>1058</td>
<td>Annexation of East Carlsbad No. 2.1</td>
</tr>
<tr>
<td>1059</td>
<td>Revenue for city and sewer district</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1060</td>
<td>Tax rate for city and sewer district</td>
</tr>
<tr>
<td>1060A</td>
<td>Trees and shrubs (Repealed by NS-545)</td>
</tr>
<tr>
<td>1061</td>
<td>Creates public works commission (Repealed by 1108)</td>
</tr>
<tr>
<td>1062</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>1063</td>
<td>Voided</td>
</tr>
<tr>
<td>1064</td>
<td>Director of finance bonds (Repealed by 1239)</td>
</tr>
<tr>
<td>1065</td>
<td>Calls for municipal election</td>
</tr>
<tr>
<td>1066</td>
<td>Budget for fiscal year 1959-60</td>
</tr>
<tr>
<td>1067</td>
<td>Tax rate for 1959-60</td>
</tr>
<tr>
<td>1068</td>
<td>Special election</td>
</tr>
<tr>
<td>1069</td>
<td>Budget for 1960-61</td>
</tr>
<tr>
<td>1070</td>
<td>Tax rate for 1960-61</td>
</tr>
<tr>
<td>1071</td>
<td>Planting trees and shrubs (Repealed by NS-545)</td>
</tr>
<tr>
<td>1072</td>
<td>Board of library trustees (2.16)</td>
</tr>
<tr>
<td>1073</td>
<td>City budget for 1961-62</td>
</tr>
<tr>
<td>1074</td>
<td>Tax rate for 1961-62</td>
</tr>
<tr>
<td>1075</td>
<td>Special election</td>
</tr>
<tr>
<td>1076</td>
<td>Title to library property (2.16)</td>
</tr>
<tr>
<td>1077</td>
<td>Annexation of East Carlsbad No. 2.2</td>
</tr>
<tr>
<td>1078</td>
<td>1962-63 budget</td>
</tr>
<tr>
<td>1079</td>
<td>1962-63 tax rate</td>
</tr>
<tr>
<td>1080</td>
<td>Sewer bond issuance</td>
</tr>
<tr>
<td>1080-A</td>
<td>Grants franchise to San Diego Pipeline Company</td>
</tr>
<tr>
<td>1081</td>
<td>1963-64 budget</td>
</tr>
<tr>
<td>1082</td>
<td>1963-64 tax rate</td>
</tr>
<tr>
<td>1083</td>
<td>Annexation East Carlsbad 2.3</td>
</tr>
<tr>
<td>1084</td>
<td>Annexation South Carlsbad 1.4</td>
</tr>
<tr>
<td>1085</td>
<td>Annexation East Carlsbad 2.4</td>
</tr>
<tr>
<td>1086</td>
<td>Sewer bond issuance</td>
</tr>
<tr>
<td>1087</td>
<td>Transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>1088</td>
<td>Removal of city manager from office (2.12)</td>
</tr>
<tr>
<td>1089</td>
<td>South Carlsbad Annexation No. 1.5</td>
</tr>
<tr>
<td>1090</td>
<td>1964-65 budget</td>
</tr>
<tr>
<td>1091</td>
<td>1964-65 tax rate</td>
</tr>
<tr>
<td>1092</td>
<td>Sewer bond issuance</td>
</tr>
<tr>
<td>1093</td>
<td>Fixes amount of revenue from property taxes to pay bond debt</td>
</tr>
<tr>
<td>1094</td>
<td>Sets tax rate for city and sewer district</td>
</tr>
<tr>
<td>1095</td>
<td>Special election to incur bond debt for city improvement</td>
</tr>
<tr>
<td>1095A</td>
<td>Salaries of councilpersons (2.04)</td>
</tr>
<tr>
<td>1096</td>
<td>Fixes amount of revenue needed from property taxes to support bond debt for sewer district</td>
</tr>
<tr>
<td>1097</td>
<td>Sets tax rate for city and sewer district</td>
</tr>
<tr>
<td>1098</td>
<td>Purchasing system (Repealed by CS-002)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1099</td>
<td>Issuance of library bonds</td>
</tr>
<tr>
<td>1100</td>
<td>Amends Ord. 1099</td>
</tr>
<tr>
<td>1101</td>
<td>East Carlsbad Annexation No. 2.6</td>
</tr>
<tr>
<td>1102</td>
<td>East Carlsbad Annexation No. 2.7</td>
</tr>
<tr>
<td>1103</td>
<td>Sets tax rate for city and sewer district for fiscal year 1967-68</td>
</tr>
<tr>
<td>1104</td>
<td>1967-68 budget</td>
</tr>
<tr>
<td>1105</td>
<td>Documentary stamp tax (3.16)</td>
</tr>
<tr>
<td>1106</td>
<td>Establishes traffic safety commission (2.28)</td>
</tr>
<tr>
<td>1107</td>
<td>Vacations and sick leave (Repealed by NS-793)</td>
</tr>
<tr>
<td>1108</td>
<td>Repeals Ord. 1061 (Repealer)</td>
</tr>
<tr>
<td>1109</td>
<td>Salaries of clerk and treasurer (2.08)</td>
</tr>
<tr>
<td>1110</td>
<td>1968-69 budget</td>
</tr>
<tr>
<td>1111</td>
<td>1968-69 budget</td>
</tr>
<tr>
<td>1112</td>
<td>Amends § 16 of Ord. 1087, transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>1113</td>
<td>Amends § 3 of Ord. 1087, transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>1114</td>
<td>Council meeting place and vice mayor (2.04, 208)</td>
</tr>
<tr>
<td>1115</td>
<td>East Carlsbad Annexation No. 2.9</td>
</tr>
<tr>
<td>1116</td>
<td>1969-70 budget</td>
</tr>
<tr>
<td>1117</td>
<td>1969-70 budget</td>
</tr>
<tr>
<td>1118</td>
<td>Amends § 5 of Ord. 1105, tax exemption (3.16)</td>
</tr>
<tr>
<td>1119</td>
<td>Establishes environmental pollution commission (2.40)</td>
</tr>
<tr>
<td>1120</td>
<td>Personnel ordinance (2.44)</td>
</tr>
<tr>
<td>1121</td>
<td>Conduct at city council meetings</td>
</tr>
<tr>
<td>1122</td>
<td>South Carlsbad Annexation No. 1.7</td>
</tr>
<tr>
<td>1123</td>
<td>Amends Ord. 1119, environmental pollution commission (2.40)</td>
</tr>
<tr>
<td>1124</td>
<td>Amends § 16 of Ord. 1087, transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>1125</td>
<td>1970-71 tax rate</td>
</tr>
<tr>
<td>1126</td>
<td>Civil defense and disaster agreement (6.04)</td>
</tr>
<tr>
<td>1127</td>
<td>South Carlsbad Annexation No. 1.8</td>
</tr>
<tr>
<td>1128</td>
<td>South Carlsbad Annexation No. 1.9</td>
</tr>
<tr>
<td>1129</td>
<td>1970-71 budget</td>
</tr>
<tr>
<td>1130</td>
<td>Amends Ord. 1120, personnel; repeals § 9 of Ord. 1120 (2.44)</td>
</tr>
<tr>
<td>1131</td>
<td>Repeals subsection (5)(a) of Ord. 1105 (Repealer)</td>
</tr>
<tr>
<td>1132</td>
<td>East Carlsbad Annexation No. 2.10</td>
</tr>
<tr>
<td>1133</td>
<td>Adopts Carlsbad Municipal Code, published by Book Publishing Company (1.01)</td>
</tr>
<tr>
<td>1134</td>
<td>Repeals certain ordinances and prior code sections (Repealer)</td>
</tr>
<tr>
<td>1135</td>
<td>1971-72 tax rate</td>
</tr>
<tr>
<td>1136</td>
<td>1971-72 budget</td>
</tr>
<tr>
<td>1137</td>
<td>1971-72 budget</td>
</tr>
<tr>
<td>1138</td>
<td>Excludes territory at Oceanside-Carlsbad boundary</td>
</tr>
<tr>
<td>1139</td>
<td>North Carlsbad Annexation No. 1.10</td>
</tr>
<tr>
<td>1140</td>
<td>South Carlsbad Annexation No. 1.10</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1141</td>
<td>South Carlsbad Annexation No. 1.11</td>
</tr>
<tr>
<td>1142</td>
<td>South Carlsbad Annexation No. 1.12</td>
</tr>
<tr>
<td>1143</td>
<td>Special election for parks and recreation bonds</td>
</tr>
<tr>
<td>1144</td>
<td>Abolishes environmental pollution commission</td>
</tr>
<tr>
<td>1145</td>
<td>East Carlsbad Annexation No. 2.11</td>
</tr>
<tr>
<td>1146</td>
<td>East Carlsbad Annexation No. 2.14</td>
</tr>
<tr>
<td>1147</td>
<td>East Carlsbad Annexation No. 2.12</td>
</tr>
<tr>
<td>1148</td>
<td>South Carlsbad Annexation No. 1.3</td>
</tr>
<tr>
<td>1148-A</td>
<td>1972-73 tax rate</td>
</tr>
<tr>
<td>1149</td>
<td>1972-73 budget</td>
</tr>
<tr>
<td>1150</td>
<td>Environmental Protection Ordinance of 1972</td>
</tr>
<tr>
<td>1151</td>
<td>Amends Ord. 1150</td>
</tr>
<tr>
<td>1152</td>
<td>Amends Ch. 6.04, emergency services (6.04)</td>
</tr>
<tr>
<td>1153</td>
<td>Amends § 3.12.150, parks and recreation fund revenue (3.12)</td>
</tr>
<tr>
<td>1154</td>
<td>Amends Ord. 1150</td>
</tr>
<tr>
<td>1155</td>
<td>Amends Ord. 1150</td>
</tr>
<tr>
<td>1157</td>
<td>Amends §§ 2.24.020 and 2.24.050, planning commission (2.24)</td>
</tr>
<tr>
<td>1158</td>
<td>Adds Ch. 19.04, environmental protection (Repealed by NS-593)</td>
</tr>
<tr>
<td>1159</td>
<td>Adds § 2.24.070, planning commission (2.24)</td>
</tr>
<tr>
<td>1160</td>
<td>Amends §§ 3.08.010—3.08.070 and adds §§ 3.08.080—3.08.180, sales and use tax (3.08)</td>
</tr>
<tr>
<td>1161</td>
<td>Adds Ch. 1.12, elections (1.12)</td>
</tr>
<tr>
<td>1162</td>
<td>Amends §§ 2.08.020 and 2.08.030, salaries (2.08)</td>
</tr>
<tr>
<td>1164</td>
<td>East Carlsbad Annexation No. 2.18</td>
</tr>
<tr>
<td>1165</td>
<td>Adds Ch. 2.02, conflicts of interest (Deleted by 1226)</td>
</tr>
<tr>
<td>1166</td>
<td>Amends § 2.44.030, city service (2.44)</td>
</tr>
<tr>
<td>1167</td>
<td>East Carlsbad Annexation No. 2.19</td>
</tr>
<tr>
<td>1168</td>
<td>Repeals Ch. 2.32, harbor commission (Repealer)</td>
</tr>
<tr>
<td>1169</td>
<td>East Carlsbad Annexation No. 2.21</td>
</tr>
<tr>
<td>1170</td>
<td>East Carlsbad Annexation No. 2.20</td>
</tr>
<tr>
<td>1171</td>
<td>Amends §§ 3.28.070, 3.28.100 and 3.28.110, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>1172</td>
<td>East Carlsbad Annexation No. 1.21</td>
</tr>
<tr>
<td>1173</td>
<td>East Carlsbad Annexation No. 2.22</td>
</tr>
<tr>
<td>1174</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1175</td>
<td>Amends § 1.12.010, election filing fees (1.12)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1176</td>
<td>South Carlsbad Annexation No. 1.18</td>
</tr>
<tr>
<td>1177</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1179</td>
<td>Adds §§ 2.44.025, 2.44.026, 2.44.027 and 2.44.095, personnel board (2.44)</td>
</tr>
<tr>
<td>1180</td>
<td>East Carlsbad Annexation No. 2.24</td>
</tr>
<tr>
<td>1181</td>
<td>Adds Ch. 2.48, employer-employee relations (2.48)</td>
</tr>
<tr>
<td>1182</td>
<td>Adds paragraph (12) to § 2.44.040, personnel (2.44)</td>
</tr>
<tr>
<td>1183</td>
<td>Adds Ch. 6.06, emergency medical transportation service (6.06)</td>
</tr>
<tr>
<td>1184</td>
<td>Amends § 3.32.030, fee refunds (3.32)</td>
</tr>
<tr>
<td>1185</td>
<td>East Carlsbad Annexation No. 2.23</td>
</tr>
<tr>
<td>1186</td>
<td>Amends § 2.44.030, city service membership (2.44)</td>
</tr>
<tr>
<td>1187</td>
<td>South Carlsbad Annexation No. 1.22</td>
</tr>
<tr>
<td>1188</td>
<td>Adds § 2.04.040, mayor’s compensation; amends § 2.04.030, council compensation (2.04)</td>
</tr>
<tr>
<td>1189</td>
<td>Adds Ch. 2.40, housing commission (Repealed by NS-235)</td>
</tr>
<tr>
<td>1190</td>
<td>Amends § 3.12.030, transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>1191</td>
<td>Declares need for redevelopment agency</td>
</tr>
<tr>
<td>1192</td>
<td>Declares city council to be redevelopment agency for the city</td>
</tr>
<tr>
<td>1193</td>
<td>Amends Ch. 3.12 by deleting § 3.12.150, transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>1194</td>
<td>Adds Ch. 5.10, bingo (5.10)</td>
</tr>
<tr>
<td>1195</td>
<td>East Carlsbad Annexation No. 2.26</td>
</tr>
<tr>
<td>1196</td>
<td>Amends § 2.44.030, city employment (2.44)</td>
</tr>
<tr>
<td>1197</td>
<td>Amends §§ 3.28.010—3.28.130; adds §§ 3.28.140—3.28.170, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>1198</td>
<td>Adds Chs. 3.29 and 3.30, property (3.29, 3.30)</td>
</tr>
<tr>
<td>1199</td>
<td>Amends subsection (7) of § 2.48.030, personnel (2.48)</td>
</tr>
<tr>
<td>1200</td>
<td>Amends § 2.24.020, planning commission (2.24)</td>
</tr>
<tr>
<td>1201</td>
<td>Amends § 2.44.025, personnel board; repeals § 2.44.026 (Repealed by NS-883)</td>
</tr>
<tr>
<td>1202</td>
<td>Amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1203</td>
<td>Adds Ch. 1.16, judicial review time limits (1.16)</td>
</tr>
<tr>
<td>1204</td>
<td>Amends § 5.10.060, subsection (4) of § 5.10.020, and subsections (a) and (f) of § 5.10.090, bingo games (5.10)</td>
</tr>
<tr>
<td>1205</td>
<td>Amends § 3.28.040, purchasing officer (Repealed by CS-002)</td>
</tr>
<tr>
<td>1206</td>
<td>Amends subsection (7) of § 2.48.030, management employees (2.48)</td>
</tr>
<tr>
<td>1207</td>
<td>Amends § 2.04.030, council compensation (2.04)</td>
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<tr>
<td>1208</td>
<td>Amends subsections (4) of § 5.10.020 and (f) of § 5.10.090, bingo games (5.10)</td>
</tr>
<tr>
<td>1209</td>
<td>Adds § 2.04.050, filling council vacancies (Repealed by 1251)</td>
</tr>
<tr>
<td>1210</td>
<td>Amends Ch. 2.04, city council meeting time and procedural rules (Repealed by 1213)</td>
</tr>
<tr>
<td>1211</td>
<td>Amends §§ 2.44.030 and 2.44.050, city service (2.44)</td>
</tr>
<tr>
<td>1212</td>
<td>Adds Ch. 2.14, city attorney (2.14)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1213</td>
<td>Adds Ch. 1.20, deletes §§ 2.04.010, 2.04.020; renumbers §§ 2.04.030—2.04.050 to §§ 2.04.010—2.04.030, city council (1.20, 2.04)</td>
</tr>
<tr>
<td>1214</td>
<td>Adds Ch. 2.52, access to criminal records (2.52)</td>
</tr>
<tr>
<td>1215</td>
<td>Amends § 2.20.060(6) and Ch. 3.32, city property inventory and claims (2.20, 3.32)</td>
</tr>
<tr>
<td>1216</td>
<td>Adds § 1.16.020 and Ch. 21.61, judicial time limits (1.16, 21.61)</td>
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<tr>
<td>1217</td>
<td>Amends § 19.04.260, environmental notices (Repealed by NS-593)</td>
</tr>
<tr>
<td>1218</td>
<td>Deletes § 2.36.050, park and recreation commission (Repealer)</td>
</tr>
<tr>
<td>1219</td>
<td>Amends § 2.44.030, city service (2.44)</td>
</tr>
<tr>
<td>1220</td>
<td>Amends § 2.48.030(7), personnel relations (2.48)</td>
</tr>
<tr>
<td>1221</td>
<td>Adds § 1.90.020, infraction penalties (Repealed by 1252)</td>
</tr>
<tr>
<td>1222</td>
<td>Amends subsection (b) of § 1.20.290, city council (1.20)</td>
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<tr>
<td>1223</td>
<td>Declares need for community development commission</td>
</tr>
<tr>
<td>1224</td>
<td>Amends Ch. 2.40, housing and redevelopment advisory committee (Repealed by NS-235)</td>
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<tr>
<td>1225</td>
<td>Amends §§ 2.44.030 and 2.48.030, city personnel and employment (2.44, 2.48)</td>
</tr>
<tr>
<td>1226</td>
<td>Deletes Ch. 2.02, governmental conflict of interest guidelines (Repealer)</td>
</tr>
<tr>
<td>1227</td>
<td>Amends § 2.04.010, council member compensation (2.04)</td>
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<tr>
<td>1228</td>
<td>Amends §§ 5.10.040, 5.10.060 and 5.10.090, bingo licenses (5.10)</td>
</tr>
<tr>
<td>1229</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1230</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1231</td>
<td>Amends subsection (7) of § 2.48.030, employer-employee relations (2.48)</td>
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<tr>
<td>1232</td>
<td>Amends §§ 2.08.020 and 2.08.030, city treasurer and city clerk compensation (2.08)</td>
</tr>
<tr>
<td>1233</td>
<td>Adds subsection (e) to § 1.20.060, city council meetings (1.20)</td>
</tr>
<tr>
<td>1234</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1235</td>
<td>Void</td>
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<tr>
<td>1236</td>
<td>Amends § 1.08.010, general penalty (1.08)</td>
</tr>
<tr>
<td>1237</td>
<td>Approves lease with parking authority of city</td>
</tr>
<tr>
<td>1238</td>
<td>Amends § 2.48.030(7), employer-employee relations (2.48)</td>
</tr>
<tr>
<td>1239</td>
<td>Amends §§ 2.08.040 and 3.28.040, bonds; repeals §§ 2.12.020 and 2.20.040 (2.08)</td>
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<tr>
<td>1240</td>
<td>Amends § 1.20.170, council procedures (1.20)</td>
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<tr>
<td>1241</td>
<td>Amends § 1.20.590, council procedures (1.20)</td>
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<tr>
<td>1242</td>
<td>Amends § 1.12.020, municipal election (1.12)</td>
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<tr>
<td>1243</td>
<td>Amends §§ 2.04.010 and 2.04.020, compensation (2.04)</td>
</tr>
<tr>
<td>1244</td>
<td>Amends § 2.24.070, planning commission (2.24)</td>
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<tr>
<td>1245</td>
<td>Void</td>
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<tr>
<td>1246</td>
<td>Amends § 2.48.030(7), employer-employee relations (2.48)</td>
</tr>
<tr>
<td>1247</td>
<td>Amends § 2.24.070, planning commission (2.24)</td>
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<tr>
<td>1248</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1249</td>
<td>Amends §§ 3.28.090, 3.28.120, 3.28.130 and 3.28.140; adds new § 3.28.150 and renumbers §§ 3.28.150 and 3.28.170 to be 3.28.160 and 3.28.180; amends and renumbers § 3.28.160 to be 3.28.170, purchasing (Repealed by CS-002)</td>
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<tr>
<td>1250</td>
<td>Amends § 2.48.030(7), employer-employee relations (2.48)</td>
</tr>
<tr>
<td>1251</td>
<td>Repeals § 2.04.030, council vacancies (Repealer)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>1252</td>
<td>Amends § 1.08.010(a); repeals § 1.08.020, penalties for code violations (1.08)</td>
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<tr>
<td>1253</td>
<td>Adds § 2.04.030, council vacancies (2.04)</td>
</tr>
<tr>
<td>1254</td>
<td>Adds Ch. 2.26, design review board for redevelopment areas; amends Ch. 2.24, design review board (2.24, 2.26)</td>
</tr>
<tr>
<td>1255</td>
<td>Adds Ch. 1.24, expenditure limitation (1.24)</td>
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<tr>
<td>1257</td>
<td>Authorizes amendment to contract with CalPERS</td>
</tr>
<tr>
<td>1258</td>
<td>Adds § 2.04.050 and Ch. 2.06; amends § 2.08.010, mayor and city council (2.04, 2.06, 2.08)</td>
</tr>
<tr>
<td>1259</td>
<td>Amends § 1.12.020, elections (1.12)</td>
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<tr>
<td>1260</td>
<td>Adds to § 2.44.027, personnel (Repealed by NS-883)</td>
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<tr>
<td>1262</td>
<td>Amends Ch. 2.28, traffic safety commission (2.28)</td>
</tr>
<tr>
<td>1263</td>
<td>Adds Ch. 3.36, fees for special police services (3.36)</td>
</tr>
<tr>
<td>1264</td>
<td>Adopts home mortgage finance program</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>1265</td>
<td>Amends §§ 2.08.020 and 2.08.030, administration and personnel (2.08)</td>
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<tr>
<td>1266</td>
<td>Amends subsection (a) of § 18.12.080, subsection (c) of § 18.12.100, §§ 18.12.110, 18.12.120, 18.12.140, 18.12.150, 18.12.160 and 18.12.210, building codes, subsection (c) of § 19.04.040, subsections (c), (d) and (e) of § 19.04.110, § 19.04.310, environment, and subsection (b) of § 20.12.015, subdivisions (18.12, 20.12)</td>
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<tr>
<td>1267</td>
<td>Amends §§ 3.08.120, 3.08.130 and 3.08.140, sales and use tax (3.08)</td>
</tr>
<tr>
<td>1268</td>
<td>Amends § 3.30.020, lost and unclaimed property (3.30)</td>
</tr>
<tr>
<td>1269</td>
<td>Amends § 13.12.020(1), (2) and (3), transient occupancy tax (3.12)</td>
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<tr>
<td>1270</td>
<td>Adds § 2.08.080, board and commission membership (2.08)</td>
</tr>
<tr>
<td>1271</td>
<td>Adds § 2.08.090, board and commission membership (2.08)</td>
</tr>
<tr>
<td>1272</td>
<td>Amends § 2.04.010, city council (2.04)</td>
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<tr>
<td>1273</td>
<td>Amends § 1.20.010, city council (1.20)</td>
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<tr>
<td>1274</td>
<td>Amends § 1.08.010, penalty (1.08)</td>
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<tr>
<td>1276</td>
<td>Adds Ch. 1.13, election campaign disclosure (1.13)</td>
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<tr>
<td>1277</td>
<td>Adds § 1.01.110, liability limitations for code enforcement (1.01)</td>
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<tr>
<td>1278</td>
<td>Adds Ch. 8.50; amends § 1.08.010, alarm systems (1.08, 8.50)</td>
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<tr>
<td>1279</td>
<td>Adds Ch. 2.18, Carlsbad arts commission (2.18)</td>
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<tr>
<td>1280</td>
<td>Amends § 2.26.030; adds § 2.26.035, design review board (2.26)</td>
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<tr>
<td>1281</td>
<td>Adds § 1.13.025, campaign contribution disclosure (1.13)</td>
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<tr>
<td>1282</td>
<td>Adds Ch. 2.38, senior citizen commission (2.38)</td>
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<tr>
<td>1283</td>
<td>Adds § 3.28.130, open market purchase procedure (Repealed by CS-002)</td>
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<tr>
<td>1284</td>
<td>Amends § 3.32.030, refunds (3.32)</td>
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<tr>
<td>1286</td>
<td>Amends §§ 2.08.020 and 2.08.030, city treasurer and city clerk (2.08)</td>
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<tr>
<td>1287</td>
<td>Amends subsections (1) and (3) of § 3.12.020, transient occupancy tax (3.12)</td>
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<tr>
<td>1288</td>
<td>Adds to § 3.28.120(6), purchasing procedure (Repealed by CS-002)</td>
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<tr>
<td>1289</td>
<td>Amends § 2.04.010, city council compensation (2.04)</td>
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<tr>
<td>1290</td>
<td>Special election for bonds</td>
</tr>
<tr>
<td>1291</td>
<td>Not available</td>
</tr>
<tr>
<td>1292</td>
<td>Adds §§ 1.20.025 and 1.20.305; amends §§ 1.20.020, 1.20.030, 1.20.050, 1.20.060, 1.20.080, 1.20.110 and 1.20.420, city council (1.20)</td>
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<tr>
<td>1293</td>
<td>Amends § 2.04.010, officers' salaries (2.04)</td>
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<tr>
<td>1294</td>
<td>Amends §§ 3.32.010 and 3.32.020, procedure for payment and ratification of demands (3.32)</td>
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<tr>
<td>1295</td>
<td>Adds § 2.08.100, acceptance of donations (2.08)</td>
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<tr>
<td>1296</td>
<td>Adds §§ 3.16.081 and 3.16.082; amends §§ 1.08.010 (a), 2.06.080, 3.28.080, 3.32.040, 5.16.020(e), 5.20.140(a), 8.49.030, 10.32.060, 11.04.020, 11.08.020 and 11.08.030; repeals §§ 6.12.120, 8.04.020, 8.09.010, 10.12.020, 10.12.070, 10.32.020, 10.40.070, 10.56.020, 10.56.050, 10.56.090, 11.24.130(16), (17) and (21), 13.04.060, 14.08.060 and 20.48.080</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
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<td>------------------</td>
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<tr>
<td>and Chs. 8.12, 8.18, 8.24 and 8.40, various provisions (1.08, 2.06, 3.16, 3.32, 8.49, 10.32, 11.04, 11.08)</td>
<td></td>
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<tr>
<td>1297</td>
<td>Adds § 2.08.100, public access to meetings (2.08)</td>
</tr>
<tr>
<td>1298</td>
<td>Amends § 1.20.110, city council procedure (1.20)</td>
</tr>
</tbody>
</table>

**2000 Series Fire Control (1953—1984)**

- **2005** Formation, regulation, organization, and maintenance of volunteer fire department
- **2005-A** Amends Ord. 2005, length of fire chief’s term
- **2006** Amends Ord. 2005, residence requirement permits for open fires
- **2009** Permits for open fire burning
- **2020** Fire prevention code (Repealed by 2035)
- **2021** 1954 fire prevention code
- **2022** Adopts 1959 fire prevention code
- **2023** Repeals Ord. 2005 and provides for volunteer fire department (Repealed by 2035)
- **2024** Establishes fire zones and repeals § 3 of Ord. 8005
- **2025** Adopts 1960 fire prevention code
- **2026** Outdoor burning (Repealed by 2035)
- **2027** Fire zones (Repealed by 2035)
- **2028** Amends §§ 9, 19 and 20 of Ord. 5020A, § 22 of Ord. 3005 and § 2 of Ord. 8033; adopts 1967 Uniform Fire Code; repeals §§ 1, 2, 3, 6, 7, 8 and 9 of Ord. 2020 and § 1 of Ord. 2025 (5.24, 10.12)
- **2029** Amends § 2 of Ord. 2028, fire protection (Repealed by 2035)
- **2030** Amends Ord. 2027, fire zone boundaries (Repealed by 2035)
- **2031** Amends §§ 17.16.020, 17.16.030(3), fire zones (Repealed by 2035)
- **2032** Adds §§ 17.04.140—17.04.340; amends §§ 17.04.010—17.04.130, fire code (Repealed by 2035)
- **2033** Amends § 17.04.060, Uniform Fire Code (Repealed by 2035)
- **2034** Amends language in § 17.04.060, fire prevention code (Repealed by 2035)
- **2035** Adds Ch. 17.04; repeals Chs. 17.04, 17.08, 17.12 and 17.16, fire protection (Repealed by NS-97)
- **2036** Amends § 17.04.011, authority of fire personnel (Repealed by NS-97)
- **2037** Adds § 17.04.145, regulation of sale and use of fireworks (Repealed by CS-126)

**3000 Series Police (1952—1988)**

- **3001** Intoxication in public
- **3002** Void
- **3003** Void
- **3004** Void
- **3005** Motor vehicles and traffic (10.04, 10.08, 10.12, 10.16, 10.20, 10.24, 10.28, 10.32, 10.36, 10.40, 10.44, 10.48)
- **3006** Amends Ord. 3005
- **3007** Amends Ord. 3005, speed zones
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>3008</td>
<td>One-way streets and alleys (10.24)</td>
</tr>
<tr>
<td>3009</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3010</td>
<td>Prohibits discharge of firearms (8.16)</td>
</tr>
<tr>
<td>3011</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3012</td>
<td>Angle parking (10.40)</td>
</tr>
<tr>
<td>3013</td>
<td>Void</td>
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<tr>
<td>3014</td>
<td>Void</td>
</tr>
<tr>
<td>3015</td>
<td>Licensing of dogs and kennels</td>
</tr>
<tr>
<td>3016</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3017</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3018</td>
<td>Overnight parking (10.40)</td>
</tr>
<tr>
<td>3019</td>
<td>Parking on weekends on certain streets (10.40)</td>
</tr>
<tr>
<td>3020</td>
<td>Void</td>
</tr>
<tr>
<td>3021</td>
<td>Void</td>
</tr>
<tr>
<td>3022</td>
<td>Prohibits prostitution, soliciting, fornicating lewd acts</td>
</tr>
<tr>
<td>3023</td>
<td>Curfew for minors (8.04)</td>
</tr>
<tr>
<td>3024</td>
<td>Regulations concerning possession of knives opened by springs</td>
</tr>
<tr>
<td>3025</td>
<td>Aquatic area regulations</td>
</tr>
<tr>
<td>3026</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3027</td>
<td>Speed restrictions (10.44)</td>
</tr>
<tr>
<td>3028</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3029</td>
<td>Not available</td>
</tr>
<tr>
<td>3030</td>
<td>Parking (10.40)</td>
</tr>
<tr>
<td>3031</td>
<td>Traffic signals and school pedestrian lanes (10.28)</td>
</tr>
<tr>
<td>3032</td>
<td>Amends Ord. 3005; repeals sections of Ord. Nos. 3005, 3006, 3009, 3011, 3016, 3017, 3026, and 3030</td>
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<tr>
<td>3033</td>
<td>Swimming, lifeguards, surfboards (11.24)</td>
</tr>
<tr>
<td>3034</td>
<td>Bees and apiaries (7.12)</td>
</tr>
<tr>
<td>3035</td>
<td>Aquatic areas and devices, violations (11.24)</td>
</tr>
<tr>
<td>3036</td>
<td>Amends Ord. 3015</td>
</tr>
<tr>
<td>3037</td>
<td>Parking commercial vehicles in residential zones (10.40)</td>
</tr>
<tr>
<td>3038</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3039</td>
<td>Amends Ord. 3015, rabies vaccinations required before licensing dogs</td>
</tr>
<tr>
<td>3040</td>
<td>Leash law</td>
</tr>
<tr>
<td>3041</td>
<td>Bus zones and restricted parking (10.40)</td>
</tr>
<tr>
<td>3042</td>
<td>Through streets (10.28)</td>
</tr>
<tr>
<td>3043</td>
<td>Allows boats without mufflers for special events (Repealed by 3083)</td>
</tr>
<tr>
<td>3044</td>
<td>Speed restrictions (10.44)</td>
</tr>
<tr>
<td>3045</td>
<td>Through streets (10.28)</td>
</tr>
<tr>
<td>3046</td>
<td>Amends Ord. 3015 and 3039, control of dogs</td>
</tr>
<tr>
<td>3047</td>
<td>Amends Ord. 3046</td>
</tr>
<tr>
<td>3048</td>
<td>Amends Ord. 3015 and 3046, kennels and licensing of dogs</td>
</tr>
</tbody>
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ORD-10
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>3049</td>
<td>Riding horse on sidewalk (10.32)</td>
</tr>
<tr>
<td>3050</td>
<td>Amends Ord. 3005 Sec. 83 and Ord. 3032 Sec. 83</td>
</tr>
<tr>
<td>3051</td>
<td>Amends Ord. 3025, Section 2</td>
</tr>
<tr>
<td>3052</td>
<td>Accepts the requirements of Sec. 13522 of the Penal Code</td>
</tr>
<tr>
<td>3053</td>
<td>Prohibits the inhaling, drinking or breathing of certain substances</td>
</tr>
<tr>
<td>3054</td>
<td>Relates to massage parlors</td>
</tr>
<tr>
<td>3055</td>
<td>Prohibits the advertising or engaging in the practice of fortune-telling, seership, astrology, palmistry and similar forms of character reading, arts or practices</td>
</tr>
<tr>
<td>3056</td>
<td>Amends Ord. 3005</td>
</tr>
<tr>
<td>3057</td>
<td>Amends Ord. 3032</td>
</tr>
<tr>
<td>3058</td>
<td>Restricts the use of power boats on the Agua Hedionda Lagoon between the AT&amp;SF railway trestle Hwy. 101</td>
</tr>
<tr>
<td>3059</td>
<td>Amends the first paragraph of Sec 6 of Ord. 3025 regarding the use of flags when skier down</td>
</tr>
<tr>
<td>3060</td>
<td>Amends Ord. 3027, Sec 2, regarding speed limits upon Carlsbad Blvd.</td>
</tr>
<tr>
<td>3061</td>
<td>Amends Ord. 3032, Sec 83.1</td>
</tr>
<tr>
<td>3062</td>
<td>Requires the licensing of bicycles</td>
</tr>
<tr>
<td>3063</td>
<td>Amends Ord. Nos. 3027 and 3060 regarding speed limits</td>
</tr>
<tr>
<td>3064</td>
<td>Amends Ord. No. 3062 regarding the licensing of bicycles</td>
</tr>
<tr>
<td>3065</td>
<td>Amends Ord. No. 3048 regarding dog control</td>
</tr>
<tr>
<td>3066</td>
<td>Adopts by reference Chs. 3, 6, and 7 of the San Diego County Code relating to stray animals and vaccination of dogs</td>
</tr>
<tr>
<td>3067</td>
<td>Amends Ord. 3005, parking</td>
</tr>
<tr>
<td>3068</td>
<td>Provides for optional citation of arrested person for appearance before magistrate</td>
</tr>
<tr>
<td>3069</td>
<td>Prohibits keeping of animals that cause offensive odor or noise</td>
</tr>
<tr>
<td>3070</td>
<td>Amends Sec. 1 of Ord. 3069</td>
</tr>
<tr>
<td>3071</td>
<td>Amends Sec. 65 of Ord. 3005 regarding unlawful parking of vehicles of peddlers, vendors, etc.</td>
</tr>
<tr>
<td>3072</td>
<td>Assembly, disassembly or repair of motor vehicles</td>
</tr>
<tr>
<td>3073</td>
<td>Makes unlawful fighting or challenging to fight in a public place</td>
</tr>
<tr>
<td>3074</td>
<td>Sale of unclaimed property</td>
</tr>
<tr>
<td>3075</td>
<td>Prohibits occupying, erecting, and sleeping in temporary structures in public places</td>
</tr>
<tr>
<td>3076</td>
<td>Operation of boats</td>
</tr>
<tr>
<td>3077</td>
<td>Determines and declares prima facia speed limits on portions of Chestnut Avenue</td>
</tr>
<tr>
<td>3078</td>
<td>Adopts certain divisions and chapters of the San Diego County Code regarding health and sanitation</td>
</tr>
<tr>
<td>3079</td>
<td>Adopts chapters of the San Diego County Code regarding dogs, kennels, and vaccination</td>
</tr>
<tr>
<td>3080</td>
<td>Repeals various sections of ordinances regarding public offenses</td>
</tr>
<tr>
<td>3081</td>
<td>Increases speed limit on portion of Jefferson St.</td>
</tr>
<tr>
<td>3082</td>
<td>Regulates motor vehicles on private property</td>
</tr>
<tr>
<td>3083</td>
<td>Regulates parks and beaches</td>
</tr>
<tr>
<td>3084</td>
<td>Establishes truck route</td>
</tr>
<tr>
<td>3085</td>
<td>Amends Ch. 11.24, aquatic areas</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>3086</td>
<td>Amends Ch. 7.08, dogs and kennels</td>
</tr>
<tr>
<td>3087</td>
<td>Amends Chapter 10.08, traffic engineer</td>
</tr>
<tr>
<td>3088</td>
<td>Adds § 10.40.041, prohibited parking (10.40)</td>
</tr>
<tr>
<td>3089</td>
<td>Adds § 10.40.042, prohibited parking (Repealed by 3176)</td>
</tr>
<tr>
<td>3090</td>
<td>Adds §§ 10.32.090, 10.32.091, 10.32.092, 10.32.093; repeals § 10.32.090, truck routes (10.32)</td>
</tr>
<tr>
<td>3091</td>
<td>Adds §§ 11.24.130(25) and (26), park use restriction (11.24)</td>
</tr>
<tr>
<td>3092</td>
<td>Amends § 8.16.020, firearms (8.16)</td>
</tr>
<tr>
<td>3093</td>
<td>Repeals §§ 11.24.005—11.24.100; adds §§ 11.24.005—11.24.085; repeals Ords. 3025, 3085, §§ 4 and 5 of Ord. 3033 and § 1 of 3035, aquatic area (11.24)</td>
</tr>
<tr>
<td>3094</td>
<td>Amends § 10.28.160, stop signs (10.28)</td>
</tr>
<tr>
<td>3095</td>
<td>Amends § 6.02.010, apartment defined (Repealed by NS-558)</td>
</tr>
<tr>
<td>3096</td>
<td>Repeals and replaces Ch. 5.16, massage establishments (Repealed by CS-234)</td>
</tr>
<tr>
<td>3097</td>
<td>Adds § 10.56.110; amends §§ 10.56.060 and 10.56.070, bicycles (10.56)</td>
</tr>
<tr>
<td>3098</td>
<td>Adds § 11.24.022, boat speeds (10.24)</td>
</tr>
<tr>
<td>3099</td>
<td>Adds Ch. 7.08, rabies, animal control (7.08)</td>
</tr>
<tr>
<td>3100</td>
<td>Amends Ch. 10.56, bicycles (10.56)</td>
</tr>
<tr>
<td>3101</td>
<td>Amends §§ 10.52.010, 10.52.040, and 10.52.070, abandoned vehicles (10.52)</td>
</tr>
<tr>
<td>3102</td>
<td>Adds Ch. 8.40, private police patrols (Repealed by 1296)</td>
</tr>
<tr>
<td>3103</td>
<td>Adds Ch. 11.28, public nudity (11.28)</td>
</tr>
<tr>
<td>3104</td>
<td>Amends §§ 10.44.040 and 10.44.050; adds § 10.44.060, speed limits (10.44)</td>
</tr>
<tr>
<td>3105</td>
<td>Not available</td>
</tr>
<tr>
<td>3106</td>
<td>Adds Ch. 8.44, alcoholic beverages (8.44)</td>
</tr>
<tr>
<td>3107</td>
<td>Adds § 10.44.070, speed limit (10.44)</td>
</tr>
<tr>
<td>3108</td>
<td>Adds § 10.44.080, speed limit (10.44)</td>
</tr>
<tr>
<td>3109</td>
<td>Adds Ch. 8.48, noise (8.48)</td>
</tr>
<tr>
<td>3110</td>
<td>Amends § 7.08.010, rabies and animal control (7.08)</td>
</tr>
<tr>
<td>3111</td>
<td>Amends §§ 10.56.060—10.56.100, bicycle licensing (10.56)</td>
</tr>
<tr>
<td>3112</td>
<td>Adds § 5.16.360; amends subsection (a) of § 5.16.020, subsection (b) of § 5.16.080, subsections (a)(2) and (a)(3) of § 5.16.220 and § 5.16.010, massage establishments (Repealed by CS-234)</td>
</tr>
<tr>
<td>3113</td>
<td>Amends § 8.28.040, motor vehicles on private property (8.28)</td>
</tr>
<tr>
<td>3114</td>
<td>Adds Ch. 8.49, gasoline price advertising (8.49)</td>
</tr>
<tr>
<td>3115</td>
<td>Amends § 10.44.030, speed limit on Carlsbad Boulevard (10.44)</td>
</tr>
<tr>
<td>3116</td>
<td>Amends § 10.40.042, parking restriction (Repealed by 3176)</td>
</tr>
<tr>
<td>3117</td>
<td>Void</td>
</tr>
<tr>
<td>3118</td>
<td>Amends Art. I of Ch. 11.24, boats and aircraft (11.24)</td>
</tr>
<tr>
<td>3119</td>
<td>Amends § 10.40.042, parking on Carlsbad Boulevard (Repealed by 3176)</td>
</tr>
<tr>
<td>3120</td>
<td>Void</td>
</tr>
<tr>
<td>3121</td>
<td>Adds § 10.40.043, parking restriction on Elm Avenue (10.40)</td>
</tr>
<tr>
<td>3122</td>
<td>Adds Ch. 10.57, temporary closing of city streets (Repealed by NS-56)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>3123</td>
<td>Adds Ch. 8.18, demonstration equipment; adds §§ 8.28.050 and 8.28.060, distribution of materials to vehicles (Repealed by NS-552)</td>
</tr>
<tr>
<td>3124</td>
<td>Not available</td>
</tr>
<tr>
<td>3125</td>
<td>Adds § 10.28.153, special stops (10.28)</td>
</tr>
<tr>
<td>3126</td>
<td>Adds paragraph (5) to § 10.40.080, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3127</td>
<td>Amends § 11.24.032(6)(B), aquatic area and devices (11.24)</td>
</tr>
<tr>
<td>3128</td>
<td>Adds subsection (e) to § 10.40.060, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3129</td>
<td>Amends § 10.28.110, special stops (10.28)</td>
</tr>
<tr>
<td>3130</td>
<td>Amends § 10.28.270, special stops (10.28)</td>
</tr>
<tr>
<td>3131</td>
<td>Adds § 10.44.090, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3132</td>
<td>Amends § 10.40.060(e), stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3133</td>
<td>Void</td>
</tr>
<tr>
<td>3134</td>
<td>Amends § 10.28.240, special stops (10.28)</td>
</tr>
<tr>
<td>3135</td>
<td>Amends § 10.40.010, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3136</td>
<td>Adds § 10.28.290; amends § 10.28.100, special stops (10.28)</td>
</tr>
<tr>
<td>3137</td>
<td>Adds §§ 10.28.290 and 10.40.046, special stop and parking (10.28, 10.40)</td>
</tr>
<tr>
<td>3138</td>
<td>Adds § 10.28.300, special stop (10.28)</td>
</tr>
<tr>
<td>3139</td>
<td>Adds § 10.40.047, parking (10.40)</td>
</tr>
<tr>
<td>3140</td>
<td>Adds § 10.44.100, speed limit (10.44)</td>
</tr>
<tr>
<td>3141</td>
<td>Adds § 10.28.300, special stop (10.28)</td>
</tr>
<tr>
<td>3142</td>
<td>Amends subsections (11) and (25) of § 11.24.130, dogs in parks (11.24)</td>
</tr>
<tr>
<td>3143</td>
<td>Adds § 10.32.035, driving rules (Repealed by CS-139)</td>
</tr>
<tr>
<td>3144</td>
<td>Adds Ch. 10.42, parking violation enforcement (10.42)</td>
</tr>
<tr>
<td>3145</td>
<td>Adds § 10.40.048, parking (10.40)</td>
</tr>
<tr>
<td>3146</td>
<td>Adds § 10.32.091(h), truck routes (10.32)</td>
</tr>
<tr>
<td>3147</td>
<td>Adds § 10.44.110, speed limit (10.44)</td>
</tr>
<tr>
<td>3148</td>
<td>Amends § 10.40.047, parking (10.40)</td>
</tr>
<tr>
<td>3149</td>
<td>Amends § 10.28.260, special stops (10.28)</td>
</tr>
<tr>
<td>3150</td>
<td>Amends § 10.42.010(b), parking violations (10.42)</td>
</tr>
<tr>
<td>3151</td>
<td>Adds § 10.40.051, no parking zone (10.40)</td>
</tr>
<tr>
<td>3152</td>
<td>Amends § 10.40.049, parking restriction (10.40)</td>
</tr>
<tr>
<td>3153</td>
<td>Amends subsections (1) and (2) of § 11.24.032, aquatic areas and devices (11.24)</td>
</tr>
<tr>
<td>3154</td>
<td>Adds § 11.24.134, aquatic areas and devices (11.24)</td>
</tr>
<tr>
<td>3155</td>
<td>Adds §§ 10.40.052 and 10.40.053, parking (10.40)</td>
</tr>
<tr>
<td>3156</td>
<td>Adds § 10.44.120, speed restrictions on Park Drive (10.44)</td>
</tr>
<tr>
<td>3157</td>
<td>Repeals subsection (3) of § 10.40.080, angle parking (Repealer)</td>
</tr>
<tr>
<td>3158</td>
<td>Adds §§ 10.40.054, 10.40.056 and 10.40.057, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3159</td>
<td>Adds § 10.28.320, special stops (10.28)</td>
</tr>
<tr>
<td>3160</td>
<td>Amends § 10.40.051, parking (10.40)</td>
</tr>
<tr>
<td>3161</td>
<td>Amends subsections (2), (3), (5) and (6) of § 11.24.032, public property (11.24)</td>
</tr>
<tr>
<td>3162</td>
<td>Adds § 10.44.130, traffic (10.44)</td>
</tr>
<tr>
<td>3163</td>
<td>Adds § 10.44.140, traffic (10.44)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>3164</td>
<td>Amends § 10.44.090, traffic (10.44)</td>
</tr>
<tr>
<td>3165</td>
<td>Adds § 10.28.321, special stops (10.28)</td>
</tr>
<tr>
<td>3166</td>
<td>Adds § 10.52.125, abandoned vehicles (10.52)</td>
</tr>
<tr>
<td>3167</td>
<td>Amends § 10.42.010(b), parking violation enforcement (10.42)</td>
</tr>
<tr>
<td>3168</td>
<td>Adds § 10.28.322, special stops (10.28)</td>
</tr>
<tr>
<td>3169</td>
<td>Adds § 10.44.170, speed limit on certain road (10.44)</td>
</tr>
<tr>
<td>3170</td>
<td>Adds § 10.44.110, speed limit on certain road (10.44)</td>
</tr>
<tr>
<td>3171</td>
<td>Amends § 10.44.110, speed limit on certain road (10.44)</td>
</tr>
<tr>
<td>3172</td>
<td>Adds § 10.44.160, speed limit on certain road (10.44)</td>
</tr>
<tr>
<td>3173</td>
<td>Adds § 8.44.030, alcoholic beverages (8.44)</td>
</tr>
<tr>
<td>3174</td>
<td>Amends § 8.44.020, alcoholic beverages (8.44)</td>
</tr>
<tr>
<td>3175</td>
<td>Amends § 10.40.015, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3176</td>
<td>Amends § 10.40.041, stopping, standing and parking; repeals § 10.40.042 (10.40)</td>
</tr>
<tr>
<td>3177</td>
<td>Amends § 10.28.090, special stops (10.28)</td>
</tr>
<tr>
<td>3178</td>
<td>Adds § 10.28.324, special stops (10.28)</td>
</tr>
<tr>
<td>3179</td>
<td>Adds § 10.28.330; amends § 10.28.090, special stops (10.28)</td>
</tr>
<tr>
<td>3180</td>
<td>Amends § 10.40.058, trains (10.40)</td>
</tr>
<tr>
<td>3181</td>
<td>Amends § 10.44.070, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3182</td>
<td>Amends § 10.40.059, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3183</td>
<td>Amends § 10.28.340, special stops (10.28)</td>
</tr>
<tr>
<td>3184</td>
<td>Amends § 10.28.320, special stops (10.28)</td>
</tr>
<tr>
<td>3185</td>
<td>Adds § 10.44.180, speed limits (10.44)</td>
</tr>
<tr>
<td>3186</td>
<td>Adds §§ 10.28.323 and 10.28.325; amends § 10.28.321, special stops (10.28)</td>
</tr>
<tr>
<td>3187</td>
<td>Amends § 10.28.324, special stops (10.28)</td>
</tr>
<tr>
<td>3188</td>
<td>Amends § 8.44.020, alcoholic beverages (8.44)</td>
</tr>
<tr>
<td>3189</td>
<td>Adds § 10.28.326, special stops (10.28)</td>
</tr>
<tr>
<td>3190</td>
<td>Adds § 10.44.190, speed limit on certain roads (10.44)</td>
</tr>
<tr>
<td>3191</td>
<td>Amends § 10.44.160, speed limits (10.44)</td>
</tr>
<tr>
<td>3192</td>
<td>Amends § 10.44.060, speed limits (10.44)</td>
</tr>
<tr>
<td>3193</td>
<td>Amends Ch. 10.34, interstate trucks (10.34)</td>
</tr>
<tr>
<td>3194</td>
<td>Adds § 10.28.350, stop intersection (10.28)</td>
</tr>
<tr>
<td>3195</td>
<td>Amends § 10.42.010(b), parking violations (10.42)</td>
</tr>
<tr>
<td>3196</td>
<td>Amends § 10.44.090, speed limit (10.44)</td>
</tr>
<tr>
<td>3197</td>
<td>Amends § 10.44.080, speed limits (10.44)</td>
</tr>
<tr>
<td>3198</td>
<td>Amends § 10.32.091, truck routes (10.32)</td>
</tr>
<tr>
<td>3199</td>
<td>Adds § 10.28.360, stop intersections (10.28)</td>
</tr>
<tr>
<td>3200</td>
<td>Adds § 10.28.340, stop intersections (10.28)</td>
</tr>
<tr>
<td>3201</td>
<td>Adds § 10.44.200, speed limits (10.44)</td>
</tr>
<tr>
<td>3202</td>
<td>Adds § 10.28.370, special stops (10.28)</td>
</tr>
<tr>
<td>3203</td>
<td>Adds § 10.44.210, speed limits (10.44)</td>
</tr>
<tr>
<td>3204</td>
<td>Adds § 10.44.220, speed limits (10.44)</td>
</tr>
<tr>
<td>3205</td>
<td>Adds § 10.28.380, special stops (10.28)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>3206</td>
<td>Adds § 10.28.390, special stops (10.28)</td>
</tr>
<tr>
<td>3207</td>
<td>Adds § 10.40.060, parking (10.40)</td>
</tr>
<tr>
<td>3208</td>
<td>Adds Ch. 8.51, sale of chemicals used in producing controlled substances</td>
</tr>
<tr>
<td>3209</td>
<td>Adds § 10.32.091(I), truck routes (10.32)</td>
</tr>
<tr>
<td>3210</td>
<td>Amends § 10.32.090, truck routes (10.32)</td>
</tr>
<tr>
<td>3211</td>
<td>Adds § 10.44.230, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3212</td>
<td>Adds § 10.40.126, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3213</td>
<td>Adds § 11.24.145, aquatic areas and devices (11.24)</td>
</tr>
<tr>
<td>3214</td>
<td>Adds § 10.40.061, parking (10.40)</td>
</tr>
<tr>
<td>3215</td>
<td>Adds § 10.40.062, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3216</td>
<td>Repeals § 10.32.091(L), truck routes (10.32)</td>
</tr>
<tr>
<td>3217</td>
<td>Amends § 10.44.090, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3218</td>
<td>Adds § 10.44.240, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3219</td>
<td>Adds § 10.40.063, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>3220</td>
<td>Adds § 10.44.260, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3221</td>
<td>Adds § 10.44.250, speed restrictions (10.44)</td>
</tr>
<tr>
<td>3222</td>
<td>Adds Ch. 11.32, parks and beaches; amends Ch. 11.24, Agua Hedionda Lagoon (11.24, 11.32)</td>
</tr>
<tr>
<td>3223</td>
<td>Adds § 10.40.066, parking (10.40)</td>
</tr>
<tr>
<td>3224</td>
<td>Adds § 10.40.064, parking (10.40)</td>
</tr>
<tr>
<td>3225</td>
<td>Adds § 10.28.400, special stops (10.28)</td>
</tr>
<tr>
<td>3226</td>
<td>Adds § 10.44.270, speed restrictions (10.44)</td>
</tr>
</tbody>
</table>

**4000 Series  Water (1959—1984)**

<p>| 4001             | Water connections, rates and meters (Repealed by CS-034) |
| 4002             | Water meters and main extensions (Repealed by CS-034) |
| 4003             | Amends Ord. 4001 (Repealed by CS-034) |
| 4004             | Water meters (Repealed by CS-034) |
| 4005             | Water charge and meters (Repealed by CS-034) |
| 4006             | Contract for repayment of off-site improvements (Repealed by CS-034) |
| 4007             | Installation charge for water meter (Repealed by CS-034) |
| 4008             | Installation charge for water meter, water bills and districts (Repealed by CS-034) |
| 4009             | Fire protection ready to serve charge |
| 4010             | Water charges and meters (Repealed by CS-034) |
| 4011             | Water supply and rates |
| 4012             | Establishes monthly charge for fire protection |
| 4013             | Amends § 14.04.010; repeals Ch. 14.12, water regulations (Repealed by CS-034) |
| 4014             | Repeals § 14.16.110 (Repealer) |
| 4015             | Adds § 6.02.020, water well standards (Repealed by NS-558) |
| 4016             | Amends §§ 14.16.060 and 14.16.120, charges for water meter and service installations (Repealed by CS-034) |
| 4017             | Adds § 14.16.140; amends § 14.16.130, water meters (Repealed by CS-034) |</p>
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>4018</td>
<td>Adds paragraph (15) to § 14.04.010, water (Repealed by CS-034)</td>
</tr>
</tbody>
</table>

### 5000 Series Health (1952—1987)

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>5005</td>
<td>Public health standards</td>
</tr>
<tr>
<td>5006</td>
<td>Amends Ord. 5005</td>
</tr>
<tr>
<td>5007</td>
<td>Use of bulk milk in dispensing devices</td>
</tr>
<tr>
<td>5008</td>
<td>Requires food handlers to obtain physical exam certificates</td>
</tr>
<tr>
<td>5010</td>
<td>Refuse dumping (Repealed by 5010-A)</td>
</tr>
<tr>
<td>5010-A</td>
<td>Repeals Ord. 5010</td>
</tr>
<tr>
<td>5015</td>
<td>Septic tanks and sewage disposal systems</td>
</tr>
<tr>
<td>5016</td>
<td>Establishes Carlsbad Sewer District No. 1</td>
</tr>
<tr>
<td>5020</td>
<td>Sewage treatment and disposal plant</td>
</tr>
<tr>
<td>5020A</td>
<td>Garbage and rubbish (Repealed by NS-427)</td>
</tr>
<tr>
<td>5021</td>
<td>Establishes sewer district No. 2</td>
</tr>
<tr>
<td>5022</td>
<td>Issues bonds for sewer district No. 2</td>
</tr>
<tr>
<td>5025</td>
<td>Renewal of annual permits for septic tanks</td>
</tr>
<tr>
<td>5030</td>
<td>Garbage and rubbish (Repealed by NS-427)</td>
</tr>
<tr>
<td>5030A</td>
<td>Garbage and rubbish (Repealed by NS-427)</td>
</tr>
<tr>
<td>5031</td>
<td>Raises fees for septic tank permits</td>
</tr>
<tr>
<td>5032</td>
<td>Adoption of county sewer ordinance (13.04)</td>
</tr>
<tr>
<td>5033</td>
<td>Amends Ord. 5005, food vending vehicles</td>
</tr>
<tr>
<td>5034</td>
<td>Amends Ord. 5005, preparation and distribution of food</td>
</tr>
<tr>
<td>5035</td>
<td>Food handlers, preparation and distribution of food</td>
</tr>
<tr>
<td>5036</td>
<td>Adopts by reference City of San Diego Ord. Nos. 2587, 2618, 2631, and 2663</td>
</tr>
<tr>
<td>5037</td>
<td>Amends Ord. 5010-A</td>
</tr>
<tr>
<td>5038</td>
<td>Amends Ord. 5010-A</td>
</tr>
<tr>
<td>5039</td>
<td>Regulates accumulation of junk (6.12)</td>
</tr>
<tr>
<td>5040</td>
<td>Obstructing drainage course (6.16)</td>
</tr>
<tr>
<td>5041</td>
<td>Weed and trash abatement, repeals Ords. 5037 and 5038 and §§ 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Ord. 5010A (Repealed by NS-427)</td>
</tr>
<tr>
<td>5042</td>
<td>Abandoned vehicles (10.04, 10.52)</td>
</tr>
<tr>
<td>5043</td>
<td>Adopts by reference Chs. 2 and 3 of Div. 4 of Title 6 of the San Diego County Code</td>
</tr>
<tr>
<td>5044</td>
<td>Refuse, repeals Ords. 5010, 5010A and 5030 (Repealed by NS-427)</td>
</tr>
<tr>
<td>5045</td>
<td>Adds subsection (c) to § 6.02.010, county health and sanitation code (6.02)</td>
</tr>
<tr>
<td>5046</td>
<td>Adds subsections (d), (e) and (f) to § 6.02.010, septic tank permit application fee (Repealed by NS-558)</td>
</tr>
<tr>
<td>5047</td>
<td>Adds §§ 6.02.030, 6.02.040 and 6.02.050, swimming pool permits (6.02)</td>
</tr>
<tr>
<td>5048</td>
<td>Adds § 6.02.060, food handlers (6.02)</td>
</tr>
<tr>
<td>5049</td>
<td>Amends § 6.02.010(c), food establishments (Repealed by NS-558)</td>
</tr>
<tr>
<td>5050</td>
<td>Adds subsection (d) to § 6.02.010, food establishments (Repealed by NS-558)</td>
</tr>
<tr>
<td>5051</td>
<td>Amends §§ 6.02.030 and 6.02.040, swimming pool permits (6.02)</td>
</tr>
<tr>
<td>5052</td>
<td>Amends §§ 10.52.040 and 10.52.100, abandoned vehicles (10.52)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>5053</td>
<td>Adds subsection (h) to § 6.02.010, sewage disposal (Repealed by NS-558)</td>
</tr>
<tr>
<td>5054</td>
<td>Adds subsection (i) to § 6.02.010, regulation for prepared food (Repealed by NS-558)</td>
</tr>
<tr>
<td>5055</td>
<td>Amends § 6.02.060, food handlers’ regulations (6.02)</td>
</tr>
<tr>
<td>5056</td>
<td>Deletes subsection (h) of § 6.02.010, sewage disposal (6.02)</td>
</tr>
<tr>
<td>5057</td>
<td>Amends § 6.02.010, annual food establishment inspection fee (Repealed by NS-558)</td>
</tr>
<tr>
<td>5058</td>
<td>Adds subsections (k), (l) and (m) to § 6.02.010; amends subsection (e) of § 6.02.010, county health and sanitation code (Repealed by NS-558)</td>
</tr>
<tr>
<td>5059</td>
<td>Adds subsection (j) to § 6.02.010, county health and sanitation code (Repealed by NS-558)</td>
</tr>
<tr>
<td>5060</td>
<td>Amends § 6.02.060, food handlers’ regulations (6.02)</td>
</tr>
<tr>
<td>5061</td>
<td>Amends subsection (c) of § 6.02.010, county health and sanitation code (Repealed by NS-558)</td>
</tr>
<tr>
<td>5062</td>
<td>Adds §§ 10.52.130 and 10.52.140, abandoned vehicles (10.52)</td>
</tr>
<tr>
<td>5063</td>
<td>Amends Ch. 6.02, county health and sanitation code and Ch. 7.08, rabies, animal control and regulation (7.08)</td>
</tr>
<tr>
<td>5064</td>
<td>Adds Ch. 6.03, hazardous materials; amends § 1.08.010, penalty (1.08, 6.03)</td>
</tr>
<tr>
<td>5065</td>
<td>Adds Ch. 6.14, smoking prohibition (6.14)</td>
</tr>
<tr>
<td>5066</td>
<td>Adds § 6.03.040, hazardous material (6.03)</td>
</tr>
<tr>
<td>5067</td>
<td>Adds § 6.02.030, health permit fees (Repealed by NS-558)</td>
</tr>
<tr>
<td>5068</td>
<td>Adds § 7.08.030, animal control (Repealed by 5072)</td>
</tr>
<tr>
<td>5069</td>
<td>Void</td>
</tr>
<tr>
<td>5070</td>
<td>Adds § 6.02.040, mobile food preparation (Repealed by NS-558)</td>
</tr>
<tr>
<td>5071</td>
<td>Amends § 1.08.010 and Ch. 7.08, rabies and animal control (1.08, 7.08)</td>
</tr>
<tr>
<td>5072</td>
<td>Amends §§ 21.42.010 and 21.53.085, zoning; repeals § 7.08.030 (21.53)</td>
</tr>
<tr>
<td>5073</td>
<td>Adds Ch. 6.15, alcoholic beverage warning (6.15)</td>
</tr>
</tbody>
</table>

**6000 Series  Permits and Licenses (1952—1988)**

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>6005</td>
<td>Licensing and regulation of businesses</td>
</tr>
<tr>
<td>6006</td>
<td>License fee for non-resident laundry and dry cleaning establishments</td>
</tr>
<tr>
<td>6007</td>
<td>Amends Ord. Nos. 6005 and 6006</td>
</tr>
<tr>
<td>6010</td>
<td>Taxicabs (Repealed by CS-218)</td>
</tr>
<tr>
<td>6015</td>
<td>Cardrooms (Repealed by 6083)</td>
</tr>
<tr>
<td>6015A</td>
<td>Table stakes in cardrooms (Repealed by 6083)</td>
</tr>
<tr>
<td>6016</td>
<td>Cardroom regulations (Repealed by 6083)</td>
</tr>
<tr>
<td>6020</td>
<td>Bench advertising on public property</td>
</tr>
<tr>
<td>6021</td>
<td>Tents (18.32)</td>
</tr>
<tr>
<td>6025</td>
<td>Sales tax and rate</td>
</tr>
<tr>
<td>6026</td>
<td>Amends Ord. 6025</td>
</tr>
<tr>
<td>6027</td>
<td>Sales tax and use tax</td>
</tr>
<tr>
<td>6030</td>
<td>Bench advertising on public property</td>
</tr>
<tr>
<td>6031</td>
<td>Amends § 7 of Ord. 6010, increasing required insurance (Repealed by CS-218)</td>
</tr>
<tr>
<td>6032</td>
<td>Amends Ord. 6027 to increase effectiveness of sales and use tax administration</td>
</tr>
<tr>
<td>6033</td>
<td>Amends Ord. 6005</td>
</tr>
</tbody>
</table>

ORD-17
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>6034</td>
<td>Amends Ord. 6005</td>
</tr>
<tr>
<td>6035</td>
<td>Cardrooms (Repealed by 6083)</td>
</tr>
<tr>
<td>6036</td>
<td>Amends §§ 27 and 65 and repeals §§ 28, 54, and 57 of Ord. 6005</td>
</tr>
<tr>
<td>6037</td>
<td>Alcoholic beverage sales (Repealed by 6083)</td>
</tr>
<tr>
<td>6038</td>
<td>Peddler, solicitor intruding on private property (8.32)</td>
</tr>
<tr>
<td>6039</td>
<td>Amends § 52 of Ord. 6005</td>
</tr>
<tr>
<td>6040</td>
<td>Business licenses and taxes (5.04, 5.08)</td>
</tr>
<tr>
<td>6041</td>
<td>Permits for dances (8.08)</td>
</tr>
<tr>
<td>6042</td>
<td>Amends Ord. 6040, business licenses for intercity transportation (5.08)</td>
</tr>
<tr>
<td>6043</td>
<td>Adds Ch. 8.17, parade permits (Repealed by NS-811)</td>
</tr>
<tr>
<td>6044</td>
<td>Adds §§ 5.04.141 and 5.04.142, sidewalk and promotional sales (Repealed by 6076)</td>
</tr>
<tr>
<td>6045</td>
<td>Adds Ch. 6.09, garbage (Repealed by NS-427)</td>
</tr>
<tr>
<td>6046</td>
<td>Amends §§ 6.09.010 and 6.09.020, garbage collection (Repealed by NS-427)</td>
</tr>
<tr>
<td>6047</td>
<td>Adds Ch. 8.09, cabaret dances (Repealed by NS-859)</td>
</tr>
<tr>
<td>6048</td>
<td>Amends § 5.20.060(6), taxicab regulations (Repealed by CS-218)</td>
</tr>
<tr>
<td>6049</td>
<td>Amends §§ 5.04.010, 5.04.020, 5.08.150 and subsection (c) of § 5.08.010, business licenses (5.04, 5.08)</td>
</tr>
<tr>
<td>6050</td>
<td>Void</td>
</tr>
<tr>
<td>6051</td>
<td>Amends §§ 8.09.011 and 8.09.013, cabaret dances (Repealed by NS-859)</td>
</tr>
<tr>
<td>6052</td>
<td>Amends subsection (8) of § 5.20.120 and subsection (a) of § 5.20.140, taxicabs (Repealed by CS-218)</td>
</tr>
<tr>
<td>6053</td>
<td>Adds Ch. 5.30, avocado transportation (5.30)</td>
</tr>
<tr>
<td>6054</td>
<td>Amends § 5.08.180, business license taxes (5.08)</td>
</tr>
<tr>
<td>6055</td>
<td>Adds Ch. 5.28, cable television (Repealed by NS-891)</td>
</tr>
<tr>
<td>6056</td>
<td>Amends subsection (c) of § 6.02.010, county health regulatory amendments (Repealed by NS-558)</td>
</tr>
<tr>
<td>6057</td>
<td>Adds subsection (k) to § 5.28.210; amends subsections (1) and (8) of § 5.28.010, subsections (a), (b), and (f) of § 5.28.030, subsections (a) and (b) of § 5.28.040, subsection (j) of § 5.28.050, and subsection (a) of § 5.28.140; CATV system franchise (Repealed by NS-891)</td>
</tr>
<tr>
<td>6058</td>
<td>Grants franchise for Cable TV to Daniels Properties, Inc. and La Costa Antenna Systems, Inc.</td>
</tr>
<tr>
<td>6059</td>
<td>Adds §§ 5.16.020(f), 5.16.105 and 5.16.255, massage establishments (Repealed by CS-234)</td>
</tr>
<tr>
<td>6060</td>
<td>Amends § 5.04.130, business license fee adjustments (5.04)</td>
</tr>
<tr>
<td>6061</td>
<td>Amends §§ 5.04.020, 5.04.050, 5.04.070, 5.04.090, 5.04.120, 5.04.130, 5.08.040, 5.08.150, 5.10.020, 5.10.050, 5.10.070, 5.10.090, 5.10.110, 5.10.120, 5.12.050, 5.16.320, 5.16.330, 5.20.030, 8.40.030, 8.40.070, 8.40.080, 8.40.110, 8.40.120, 8.40.130, 8.40.160, 8.40.190 and 21.43.110, business license collection by license collector (5.04, 5.08, 5.10)</td>
</tr>
<tr>
<td>6062</td>
<td>Void</td>
</tr>
<tr>
<td>6063</td>
<td>Adds § 5.04.085, business license taxes (5.04)</td>
</tr>
<tr>
<td>6064</td>
<td>Adds Ch. 5.40, secondhand dealers (Repealed by 561)</td>
</tr>
<tr>
<td>6065</td>
<td>Adds § 5.28.175; rescinds Res. 5220 and 5221, CATV rates (Repealed by NS-891)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>6066</td>
<td>Adds Ch. 5.18 and § 21.42.010(5)(BB), drug paraphernalia stores (Repealed by NS-791)</td>
</tr>
<tr>
<td>6067</td>
<td>Adds Ch. 5.09, license tax on new construction (5.09)</td>
</tr>
<tr>
<td>6068</td>
<td>Amends §§ 1.08.010, penalty, and 5.10.090, bingo limitations (1.08, 5.10)</td>
</tr>
<tr>
<td>6069</td>
<td>Amends subsection (2) of § 5.12.070, cardrooms (Repealed by 6083)</td>
</tr>
<tr>
<td>6070</td>
<td>Amends § 5.12.100, cardrooms (Repealed by 6083)</td>
</tr>
<tr>
<td>6071</td>
<td>Amends § 5.12.150, cardrooms (Repealed by 6083)</td>
</tr>
<tr>
<td>6072</td>
<td>Amends § 5.09.030, license tax (5.09)</td>
</tr>
<tr>
<td>6073</td>
<td>Amends § 5.04.020, business license (5.04)</td>
</tr>
<tr>
<td>6074</td>
<td>Adds § 5.40.160(f), secondhand dealers (Repealed by 561)</td>
</tr>
<tr>
<td>6075</td>
<td>Repeals Ch. 5.18, drug paraphernalia (Repealer)</td>
</tr>
<tr>
<td>6076</td>
<td>Amends Ch. 8.32; adds § 5.08.015; repeals §§ 5.04.141, 5.04.142 and 10.40.060, peddlers, vendors and solicitors (5.08, 8.32)</td>
</tr>
<tr>
<td>6077</td>
<td>Adds Ch. 5.50; amends §§ 5.08.160 and 21.26.010; repeals Ch. 8.20, fortunetelling (5.08, 5.50, 21.26)</td>
</tr>
<tr>
<td>6078</td>
<td>Amends § 5.09.030, business license tax on new construction (5.09)</td>
</tr>
<tr>
<td>6079</td>
<td>Amends § 8.32.050, peddling and soliciting (8.32)</td>
</tr>
<tr>
<td>6080</td>
<td>Adds Ch. 5.60, special event insurance (Repealed by NS-814)</td>
</tr>
<tr>
<td>6081</td>
<td>Amends §§ 5.28.030 and 5.28.050, CATV franchise (Repealed by NS-891)</td>
</tr>
<tr>
<td>6082</td>
<td>Amends §§ 5.09.030(a) and 5.09.120, additional license tax on new construction (5.09)</td>
</tr>
<tr>
<td>6083</td>
<td>Repeals and replaces Ch. 5.12, cardrooms (5.12)</td>
</tr>
</tbody>
</table>

**7000 Series Streets and Sewers (1952—1987)**

<p>| 7005             | Permits |
| 7006             | Amends Ord. 7005, relocating utility poles |
| 7010             | Special gas tax street improvement fund (3.20) |
| 7015             | Street vacation |
| 7016             | Street vacation |
| 7017             | Renames certain streets |
| 7018             | Renames highway |
| 7020             | Sewer extension, maintenance, payments (13.08) |
| 7020A            | Sewer extension payment (13.08) |
| 7021             | Sewer fund |
| 7022             | City sewer system taxes and charges (Repealed by 7026) |
| 7023             | Sewers (13.04) |
| 7024             | Sewer capital contribution charge (13.08) |
| 7025             | Provides that a portion of right-of-way within city limits becomes county highway |
| 7026             | Repeals Ord. 7022 (Repealer) |
| 7027             | Sewer service charges (13.12) |
| 7028             | Sanitation fund (13.08) |
| 7029             | Amends § 8 of Ord. 7020, capital contribution charge |
| 7030             | Establishes sewer connection fee for El Camino Real Sewer Project |
| 7031             | Amends § 8 of Ord. 7020 |</p>
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>7032</td>
<td>Repeals § 8 of Ord. Nos. 7020, 7028, 7029, and 7031, capital contribution charges</td>
</tr>
<tr>
<td>7033</td>
<td>Sewer connection fee (13.08)</td>
</tr>
<tr>
<td>7034</td>
<td>Establishes portion of El Camino Real to part of county highway</td>
</tr>
<tr>
<td>7035</td>
<td>Discharge of industrial waste (13.16)</td>
</tr>
<tr>
<td>7036</td>
<td>Work in public rights-of-way (Repealed by NS-386)</td>
</tr>
<tr>
<td>7037</td>
<td>Underground utility districts (11.08)</td>
</tr>
<tr>
<td>7038</td>
<td>Not adopted</td>
</tr>
<tr>
<td>7040</td>
<td>Amends § 13.12.020, sewer service (13.12)</td>
</tr>
<tr>
<td>7041</td>
<td>Amends § 13.08.080, sewers (13.08)</td>
</tr>
<tr>
<td>7042</td>
<td>Amends §§ 11.08.030 and 11.08.060, utilities (11.08)</td>
</tr>
<tr>
<td>7043</td>
<td>Amends § 13.08.080; adds § 13.08.085, sewer fees (13.08)</td>
</tr>
<tr>
<td>7044</td>
<td>Amends subsection (d) of § 20.16.040, underground utilities (20.16)</td>
</tr>
<tr>
<td>7045</td>
<td>Amends §§ 13.08.080 and 13.08.085, sewer connection (13.08)</td>
</tr>
<tr>
<td>7046</td>
<td>Amends §§ 13.08.085 and 18.04.025, sewer connection fees (13.08)</td>
</tr>
<tr>
<td>7047</td>
<td>Amends § 18.04.170, moratorium on building permits</td>
</tr>
<tr>
<td>7048</td>
<td>Prohibits application for and approval of discretionary approvals</td>
</tr>
<tr>
<td>7049</td>
<td>Amends Ord. 7048, exempting tentative map extensions</td>
</tr>
<tr>
<td>7050</td>
<td>Extends Ord. 7048, planning moratorium</td>
</tr>
<tr>
<td>7051</td>
<td>Amends Ord. 7048, excepting certain privately-owned community facilities</td>
</tr>
<tr>
<td>7052</td>
<td>Amends Ord. 7048, allowing zone change requests (Repealed by 7052)</td>
</tr>
<tr>
<td>7053</td>
<td>Extends Ord. 7048—7051; repeals Ord. 7052</td>
</tr>
<tr>
<td>7054</td>
<td>Adds § 13.08.081; amends §§ 13.08.080, 13.08.085 and 13.12.010, sewers (13.08, 13.12)</td>
</tr>
<tr>
<td>7055</td>
<td>Amends Ord. 7048</td>
</tr>
<tr>
<td>7056</td>
<td>Adds Ch. 13.20, septic tanks systems (13.20)</td>
</tr>
<tr>
<td>7057</td>
<td>Amends § 13.08.080, sewer connection fees (13.08)</td>
</tr>
<tr>
<td>7058</td>
<td>Adds §§ 13.20.040(c), 13.20.050(e), 18.40.030(d) and language to § 18.40.090; amends §§ 11.16.040, 20.08.030, 20.08.040, 20.08.060, 20.08.070, 20.08.080, 20.08.090 and 20.08.110, fees (13.20, 18.40, 20.08)</td>
</tr>
<tr>
<td>7059</td>
<td>Amends § 13.08.081, equivalent building dwelling units for sewer extension payments (13.08)</td>
</tr>
<tr>
<td>7060</td>
<td>Adds Ch. 13.10; amends Chs. 13.04 and 13.08, sewers (13.04, 13.08, 13.10)</td>
</tr>
<tr>
<td>7061</td>
<td>Amends § 13.10.020(c)(7), sewers (13.10)</td>
</tr>
<tr>
<td>7062</td>
<td>Adds §§ 13.04.050(L) and 18.16.160, prohibiting saline discharging water softeners (13.04, 18.16)</td>
</tr>
<tr>
<td>7063</td>
<td>Closes certain portion of Tyler Street to vehicular traffic for parking facility</td>
</tr>
<tr>
<td>7065</td>
<td>Adds item (15) to subsection (f) of § 13.04.050, sewer restrictions; adds §§ 13.16.051, 13.16.052, 13.16.053 and 13.16.054; amends § 13.06.060, discharge of industrial waste (13.04, 13.16)</td>
</tr>
<tr>
<td>7066</td>
<td>Adds § 11.16.025, work in public rights-of-way (Repealed by NS-386)</td>
</tr>
<tr>
<td>7067</td>
<td>Amends § 13.12.020, sewer service charges (13.12)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7068</td>
<td>Amends § 13.08.035, payment for sewer line cost (13.08)</td>
</tr>
<tr>
<td>7069</td>
<td>Amends § 13.04.050(f)(14), sewer restrictions (13.04)</td>
</tr>
<tr>
<td>7070</td>
<td>Amends § 11.16.040, public works (Repealed by NS-386)</td>
</tr>
<tr>
<td>7071</td>
<td>Amends § 11.16.010, insurance requirements for public right-of-way work permit (Repealed by NS-386)</td>
</tr>
</tbody>
</table>

### 8000 Series Building Regulations (1952—1987)

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>8005</td>
<td>Establishes building regulations (Repealed by 8007)</td>
</tr>
<tr>
<td>8007</td>
<td>Building regulations; repeals Ord. 8005</td>
</tr>
<tr>
<td>8008</td>
<td>Regulates lumber grading</td>
</tr>
<tr>
<td>8010</td>
<td>Regulates electrical wiring</td>
</tr>
<tr>
<td>8015</td>
<td>Regulates plumbing, drainage systems, septic tanks, etc.</td>
</tr>
<tr>
<td>8016</td>
<td>Amends Ord. 8015</td>
</tr>
<tr>
<td>8017</td>
<td>Amends Ord. 8015</td>
</tr>
<tr>
<td>8018</td>
<td>Amends Ord. 8015</td>
</tr>
<tr>
<td>8019</td>
<td>Amends Ord. Nos. 8015 and 8018</td>
</tr>
<tr>
<td>8020</td>
<td>Regulates fees and permits for signs, billboards, canopies, etc.</td>
</tr>
<tr>
<td>8025</td>
<td>Plumbing licenses</td>
</tr>
<tr>
<td>8026</td>
<td>Amends Ord. 8007, permitting historical buildings</td>
</tr>
<tr>
<td>8027</td>
<td>Amends Ord. 8025, specs for connection of natural gas to trailers</td>
</tr>
<tr>
<td>8029</td>
<td>Adopts 1958 Building Code</td>
</tr>
<tr>
<td>8030</td>
<td>Adopts 1956 Electrical Code</td>
</tr>
<tr>
<td>8031</td>
<td>Adopts 1958 Plumbing Code</td>
</tr>
<tr>
<td>8032</td>
<td>Grading, fills and excavations (Repealed by NS-385)</td>
</tr>
<tr>
<td>8033</td>
<td>Trailers and trailer courts (5.24)</td>
</tr>
<tr>
<td>8034</td>
<td>Adopts 1959 Electrical Code</td>
</tr>
<tr>
<td>8035</td>
<td>Prohibits real estate signs</td>
</tr>
<tr>
<td>8036</td>
<td>Real estate signs, swimming pools (Repealed by CS-245)</td>
</tr>
<tr>
<td>8037</td>
<td>Amends § 1 of Ord. 8035</td>
</tr>
<tr>
<td>8038</td>
<td>Signs, billboards (Repealed by NS-607)</td>
</tr>
<tr>
<td>8039</td>
<td>Adopts 1961 Uniform Building Code</td>
</tr>
<tr>
<td>8040</td>
<td>Adopts 1961 Uniform Plumbing Code</td>
</tr>
<tr>
<td>8041</td>
<td>Street and sidewalk encroachments (Repealed by NS-5)</td>
</tr>
<tr>
<td>8042</td>
<td>Street and sidewalk encroachments (11.04)</td>
</tr>
<tr>
<td>8043</td>
<td>Amends § 11 of Ord. 8038, freeway signs</td>
</tr>
<tr>
<td>8044</td>
<td>Amends § 11 of Ord. 8038, freeway signs</td>
</tr>
<tr>
<td>8045</td>
<td>Building moving (18.24)</td>
</tr>
<tr>
<td>8046</td>
<td>Adopts 1964 Uniform Building Code</td>
</tr>
<tr>
<td>8047</td>
<td>Grading, fills, permit fees (Repealed by NS-385)</td>
</tr>
<tr>
<td>8048</td>
<td>Nuisances (6.16)</td>
</tr>
<tr>
<td>8049</td>
<td>Adopts 1967 Uniform Building Code</td>
</tr>
<tr>
<td>8050</td>
<td>Uniform building codes, sign code (Repealed by NS-607)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>8051A</td>
<td>Amends Ord. 8045, moving or wrecking structures (18.24)</td>
</tr>
<tr>
<td>8052</td>
<td>Electrical code; repeals Ord. 8030 (18.12)</td>
</tr>
<tr>
<td>8053</td>
<td>Adopts Uniform Plumbing Code</td>
</tr>
<tr>
<td>8054</td>
<td>1967 Building Code</td>
</tr>
<tr>
<td>8055</td>
<td>Uniform Building Code and Uniform Mechanical Code; repeals §§ 1 and 2 of Ord. 8030 (Repealed by CS-127 and CS-128)</td>
</tr>
<tr>
<td>8056</td>
<td>Adds § 11.06.175, filling existing bodies of water (Repealed by NS-385)</td>
</tr>
<tr>
<td>8057</td>
<td>Replaces Ch. 18.16; repeals Ord. 8053, plumbing code (Repealed by 8089)</td>
</tr>
<tr>
<td>8058</td>
<td>Adopts 1970 Uniform Plumbing Code</td>
</tr>
<tr>
<td>8059</td>
<td>Adds §§ 18.04.150 and 18.04.160, street numbers (Repealed by 8087)</td>
</tr>
<tr>
<td>8060</td>
<td>Adds § 11.04.120, streets and sidewalks (Repealed by NS-5)</td>
</tr>
<tr>
<td>8062</td>
<td>Advisory and appeals board (Repealed by NS-171)</td>
</tr>
<tr>
<td>8063</td>
<td>Amends §§ 11.06.020, 11.06.060(b)(1), 11.06.090 and 11.06.230 (Repealed by NS-385)</td>
</tr>
<tr>
<td>8064</td>
<td>Amends Ch. 18.12</td>
</tr>
<tr>
<td>8065</td>
<td>Amends §§ 18.16.010—18.16.120; adds §§ 18.16.130—18.16.220, plumbing code (Repealed by 8089)</td>
</tr>
<tr>
<td>8066</td>
<td>Amends §§ 18.04.005—18.04.125; repeals § 18.04.130 (Repealed by 8087)</td>
</tr>
<tr>
<td>8067</td>
<td>Adds Ch. 18.40, dedications and improvements (18.40)</td>
</tr>
<tr>
<td>8068</td>
<td>Adds Ch. 18.06, Uniform Housing Code; repeals Ord. 8058, housing code (Repealed by 8088)</td>
</tr>
<tr>
<td>8070</td>
<td>Adds § 21.41.075, signs (Repealed by NS-606)</td>
</tr>
<tr>
<td>8071</td>
<td>Amends §§ 18.20.005—18.20.090, sign code; repeals §§ 18.20.095—18.20.140 (Repealed by NS-607)</td>
</tr>
<tr>
<td>8072</td>
<td>Amends § 18.80.170, building permits</td>
</tr>
<tr>
<td>8073</td>
<td>Adds Ch. 18.05, building permit moratorium (18.05)</td>
</tr>
<tr>
<td>8074</td>
<td>Adds subsection (10) to § 18.05.020, building permits (18.05)</td>
</tr>
<tr>
<td>8075</td>
<td>Amends subsection (9) of § 18.05.020, building permit moratorium (18.05)</td>
</tr>
<tr>
<td>8076</td>
<td>Adds subsection (11) to § 18.05.020, building permit moratorium (18.05)</td>
</tr>
<tr>
<td>8079</td>
<td>Adds §§ 18.16.185 and 18.16.230; amends § 18.16.010 and fee schedule of § 18.16.130, 1976 Uniform Plumbing Code (Repealed by 8089)</td>
</tr>
<tr>
<td>8080</td>
<td>Amends § 18.08.010; adds §§ 18.08.020 and 18.08.030, 1976 Uniform Mechanical Code (Repealed by CS-128)</td>
</tr>
<tr>
<td>8081</td>
<td>Adds Ch. 18.17, Uniform Swimming Pool Code (Repealed by NS-279)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>8082</td>
<td>Adds Ch. 18.18, Uniform Solar Energy Code (Repealed by NS-279)</td>
</tr>
<tr>
<td>8083</td>
<td>Void</td>
</tr>
<tr>
<td>8084</td>
<td>Amends subsection (d) of § 18.36.010, advisory and appeals board (Repealed by NS-171)</td>
</tr>
<tr>
<td>8085</td>
<td>Adds § 18.04.105, Uniform Building Code amendment (Repealed by 8087)</td>
</tr>
<tr>
<td>8086</td>
<td>Amends Ch. 11.06, excavation and grading (Repealed by NS-385)</td>
</tr>
<tr>
<td>8087</td>
<td>Repeals and replaces Ch. 18.04, Uniform Building Code (Repealed by 8103)</td>
</tr>
<tr>
<td>8088</td>
<td>Repeals and replaces Ch. 18.06, Uniform Housing Code (Repealed by NS-279)</td>
</tr>
<tr>
<td>8089</td>
<td>Repeals and replaces Ch. 18.16, Uniform Plumbing Code (18.16)</td>
</tr>
<tr>
<td>8090</td>
<td>Adds Ch. 18.19, Uniform Code for the Abatement of Dangerous Buildings (Repealed by NS-279)</td>
</tr>
<tr>
<td>8091</td>
<td>Adds § 18.04.045, building code (Repealed by 8103)</td>
</tr>
<tr>
<td>8092</td>
<td>Amends Ch. 18.28, swimming pool enclosures and use (Repealed by CS-245)</td>
</tr>
<tr>
<td>8093</td>
<td>Adds Ch. 18.30, energy conservation regulations (18.30)</td>
</tr>
<tr>
<td>8094</td>
<td>Amends § 18.30.020, exceptions to solar heater plumbing requirement (18.30)</td>
</tr>
<tr>
<td>8095</td>
<td>Adds subsection (14) to § 11.06.020, subsection (f) to § 11.06.080, and § 11.06.105; amends § 11.06.230(b), excavation and grading (Repealed by NS-385)</td>
</tr>
<tr>
<td>8096</td>
<td>Adds § 18.04.080(b)(7)(iii), two-hour fire wall exception to building sprinkler requirement (Repealed by 8103)</td>
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<tr>
<td>8099</td>
<td>Adds § 18.30.030, energy conservation regulations (Repealed by 8106)</td>
</tr>
<tr>
<td>8100</td>
<td>Adds §§ 18.36.010(e) and 18.36.080, advisory and appeals board (Repealed by NS-171)</td>
</tr>
<tr>
<td>8101</td>
<td>Adds § 11.06.025, public property (Repealed by NS-385)</td>
</tr>
<tr>
<td>8102</td>
<td>Amends § 21.41.160(d), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>8103</td>
<td>Repeals and replaces Ch. 18.04, building code (Repealed by 8111)</td>
</tr>
<tr>
<td>8105</td>
<td>Adds § 11.06.035; amends § 11.06.080(c); repeals subsection (10) of § 11.06.030, vegetation removal (Repealed by NS-385)</td>
</tr>
<tr>
<td>8106</td>
<td>Repeals § 18.30.030 and Res. 7417 (Repealer)</td>
</tr>
<tr>
<td>8107</td>
<td>Adds Ch. 18.42, interim traffic impact fee for southeastern area (18.42)</td>
</tr>
<tr>
<td>8108</td>
<td>Amends § 18.08.010, mechanical code (Repealed by CS-128)</td>
</tr>
<tr>
<td>8109</td>
<td>Amends § 18.16.010, plumbing code (18.16)</td>
</tr>
<tr>
<td>8110</td>
<td>Adds § 18.04.015, building code (Repealed by 8111)</td>
</tr>
<tr>
<td>8111</td>
<td>Repeals and replaces Ch. 18.04, building code (Repealed by NS-105)</td>
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</tbody>
</table>

**9000 Series  Land Use (1952—1987)**

<p>| 9050 | Subdivision (Title 20) |
| 9051 | Dedication and improvement of land (20.16) |</p>
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9060</td>
<td>Zoning (Title 21)</td>
</tr>
<tr>
<td>9073</td>
<td>R-1 zone lot width, C-2 zone permitted uses, building permits (21.10, 21.28, 21.53)</td>
</tr>
<tr>
<td>9082</td>
<td>Permits, license enforcement (21.60)</td>
</tr>
<tr>
<td>9085</td>
<td>Amendment to zoning, final decision (21.52)</td>
</tr>
<tr>
<td>9088</td>
<td>Nonconforming buildings (Repealed by CS-050)</td>
</tr>
<tr>
<td>9090</td>
<td>Conditional uses (Repealed by NS-791)</td>
</tr>
<tr>
<td>9095</td>
<td>Utilities and maps (20.08, 20.12)</td>
</tr>
<tr>
<td>9098</td>
<td>Minimum land improvements (20.16)</td>
</tr>
<tr>
<td>9103</td>
<td>R-1 zone lot width (21.10)</td>
</tr>
<tr>
<td>9110</td>
<td>Potential zoning classifications (21.53)</td>
</tr>
<tr>
<td>9114</td>
<td>Potential zoning classifications (21.53)</td>
</tr>
<tr>
<td>9115</td>
<td>Record of subdivision easements (20.16)</td>
</tr>
<tr>
<td>9119</td>
<td>Tentative subdivision maps (20.12)</td>
</tr>
<tr>
<td>9127</td>
<td>Final subdivision maps, certificates (20.16)</td>
</tr>
<tr>
<td>9131</td>
<td>Final subdivision maps, information (20.16)</td>
</tr>
<tr>
<td>9135</td>
<td>Motel defined, R-3 zone permitted uses, R-T zone permitted uses and purposes, C-1 zone permitted uses (21.04, 21.16, 21.20, 21.26)</td>
</tr>
<tr>
<td>9140</td>
<td>Subdivision definitions, street and sidewalk standards (20.04, 20.08)</td>
</tr>
<tr>
<td>9141</td>
<td>Building height defined (21.04)</td>
</tr>
<tr>
<td>9146</td>
<td>R-T zone purpose, permitted uses (21.20)</td>
</tr>
<tr>
<td>9151</td>
<td>Zones established, degree of restrictiveness, R-3L zone (21.06)</td>
</tr>
<tr>
<td>9171</td>
<td>R-T zone purpose, permitted uses (21.20)</td>
</tr>
<tr>
<td>9173</td>
<td>Utility and utility easements (20.08)</td>
</tr>
<tr>
<td>9174</td>
<td>Minimum subdivision improvements (20.16)</td>
</tr>
<tr>
<td>9179</td>
<td>Sidewalk installations (20.08)</td>
</tr>
<tr>
<td>9180</td>
<td>Walls, fences and hedges in residential zones (21.46)</td>
</tr>
<tr>
<td>9181</td>
<td>Parking areas, landscaping (21.44)</td>
</tr>
<tr>
<td>9183</td>
<td>Annexation classifications (21.06)</td>
</tr>
<tr>
<td>9184</td>
<td>Soil investigation (20.24)</td>
</tr>
<tr>
<td>9186</td>
<td>Temporary real estate signs (21.53)</td>
</tr>
<tr>
<td>9188</td>
<td>R-T zone (21.20)</td>
</tr>
<tr>
<td>9189</td>
<td>R-W zone (21.22)</td>
</tr>
<tr>
<td>9190</td>
<td>Park and recreation facilities, land dedication (20.28)</td>
</tr>
<tr>
<td>9204</td>
<td>Establishes zones (21.06)</td>
</tr>
<tr>
<td>9205</td>
<td>Amends zoning code, conditional uses (Repealed by NS-791)</td>
</tr>
<tr>
<td>9206</td>
<td>Subdivisions (20.16)</td>
</tr>
<tr>
<td>9212</td>
<td>Signs prohibited under zoning code; repeals Ord. 8038 §§ 2, 3, 4, 6, 6.1 and 7.1 (Repealed by NS-791)</td>
</tr>
<tr>
<td>9216</td>
<td>Creates Planned Industrial Zone; adds § 1519 to Ord. 9060 (21.34, 21.44)</td>
</tr>
<tr>
<td>9218</td>
<td>Creates Planned Community Zone (21.38)</td>
</tr>
<tr>
<td>9219</td>
<td>Filing fee for subdivision maps (20.12)</td>
</tr>
<tr>
<td>9220</td>
<td>Filing fee under zoning code (21.54)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>9239</td>
<td>Greenhouses, packing and sorting sheds (21.10)</td>
</tr>
<tr>
<td>9241</td>
<td>Adds subparagraph to Ord. 9060, veterinarians and small animal hospitals (Repealed by NS-791)</td>
</tr>
<tr>
<td>9242</td>
<td>Amends § 418 of Ord. 9050, subdivisions (20.16)</td>
</tr>
<tr>
<td>9249</td>
<td>Amends § 1400 of Ord. 9060, conditional use (Repealed by NS-791)</td>
</tr>
<tr>
<td>9251</td>
<td>Creates RD-M zone (21.24)</td>
</tr>
<tr>
<td>9252</td>
<td>Amends Art. 14, conditional use permits; repeals §§ 1200(8) and (12) and 1300(2), (31) and (35) (21.30, 21.32)</td>
</tr>
<tr>
<td>9262</td>
<td>Amends §§ 1357 and 1377 of Ord. 9060, planned community zone (21.38)</td>
</tr>
<tr>
<td>9268</td>
<td>Creates public utility zone (21.36)</td>
</tr>
<tr>
<td>9274</td>
<td>Amends Ord. 9060 § 1400, Art. 14(2)(h), zoning (Repealed by NS-791)</td>
</tr>
<tr>
<td>9291</td>
<td>Amends § 21.46.130, walls, hedges (21.46)</td>
</tr>
<tr>
<td>9296</td>
<td>Amends § 21.44.130, parking spaces requirements (21.44)</td>
</tr>
<tr>
<td>9297</td>
<td>Amends § 21.42.010(2)(d), conditional use permits (Repealed by NS-791)</td>
</tr>
<tr>
<td>9327</td>
<td>Amends § 20.04.040; repeals and reenacts Ch. 20.20, subdivisions (20.04, 20.20)</td>
</tr>
<tr>
<td>9337</td>
<td>Amends §§ 21.06.010, 21.06.070, 21.06.090, and 21.58.020; adds § 21.52.150 and Ch. 21.39, zoning (21.06, 21.39, 21.52, 21.58)</td>
</tr>
<tr>
<td>9338</td>
<td>Amends §§ 21.38.010 through 21.38.060, P-C zone (21.38)</td>
</tr>
<tr>
<td>9341</td>
<td>Amends § 5.24.145, trailers (5.24)</td>
</tr>
<tr>
<td>9342</td>
<td>Amends § 21.42.010(2)(D), zoning (Repealed by NS-791)</td>
</tr>
<tr>
<td>9345</td>
<td>Amends § 5.24.145, trailers (5.24)</td>
</tr>
<tr>
<td>9348</td>
<td>Amends §§ 21.40.070 Table 1 and 21.40.080, zoning (21.40)</td>
</tr>
<tr>
<td>9350</td>
<td>Amends §§ 5.24.145 and 21.42.010, trailers (5.24)</td>
</tr>
<tr>
<td>9356</td>
<td>Amends §§ 21.28.010 and 21.42.010, zoning (21.28)</td>
</tr>
<tr>
<td>9379</td>
<td>Amends §§ 21.52.030, 21.52.040, 21.52.100 and 21.52.160, zoning (21.52)</td>
</tr>
<tr>
<td>9383</td>
<td>Amends § 21.06.010; adds Ch. 21.31, zoning (21.05)</td>
</tr>
<tr>
<td>9384</td>
<td>Amends §§ 21.06.010 and 21.06.020; adds Ch. 21.07, zoning (21.06, 21.07)</td>
</tr>
<tr>
<td>9385</td>
<td>Amends §§ 21.06.010 and 21.06.020; adds Ch. 21.33, zoning (21.06, 21.33)</td>
</tr>
<tr>
<td>9386</td>
<td>Amends § 21.06.010, renumbers existing Ch. 21.40 to Ch. 21.41; adds new Ch. 21.40, zoning (21.06, 21.40)</td>
</tr>
<tr>
<td>9402</td>
<td>Amends § 21.44.210, zoning (21.44)</td>
</tr>
<tr>
<td>9412</td>
<td>Adds Ch. 20.22, adjustment plats (20.36)</td>
</tr>
<tr>
<td>9416</td>
<td>Adds § 20.28.110, subdivision park dedication (20.44)</td>
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<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>9417</td>
<td>Amends Title 20 by renumbering Ch. 20.22 to be 20.36 and Ch. 20.28 to be 20.44; adds Chs. 20.04, 20.08, 20.12, 20.16, 20.20, 20.24, 20.28, 20.32, 20.40 and 20.48; repeals Chs. 20.04, 20.08, 20.12, 20.16, 20.20 and 20.24 (20.04—20.48)</td>
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<td>9423</td>
<td>Amends § 21.58.020, zoning; repeals § 21.42.040 (21.58)</td>
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<td>9424</td>
<td>Amends § 2.24.060; adds § 2.24.065, planning commission; amends § 20.24.100, subdivisions (2.24, 20.24)</td>
</tr>
<tr>
<td>9425</td>
<td>Amends § 21.06.010 and renumbers Ch. 21.06 to be Ch. 21.05; adds new Ch. 21.06, zoning (21.05, 21.06)</td>
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<td>9428</td>
<td>Amends § 21.54.060, zoning (21.54)</td>
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<td>9450</td>
<td>Amends §§ 21.05.010 and 21.05.020; adds Ch. 21.25, zoning (21.05)</td>
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<td>9460</td>
<td>Adds § 21.31.170, zoning (Repealed by NS-39)</td>
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<td>9461</td>
<td>Adds § 21.33.020(14), zoning (21.33)</td>
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<tr>
<td>9466</td>
<td>Amends § 21.42.010, zoning (Repealed by NS-791)</td>
</tr>
<tr>
<td>9468</td>
<td>Deletes § 21.60.040, zoning (Repealer)</td>
</tr>
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<td>9478</td>
<td>Adds Chapter 21.29, zoning (21.29)</td>
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<td>9480</td>
<td>Amends §§ 21.28.010 and 21.42.010, zoning (21.28)</td>
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<td>9489</td>
<td>Amends § 21.28.030, zoning (21.28)</td>
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<td>9492</td>
<td>Amends § 21.26.015, zoning (Repealed by NS-791)</td>
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<td>9493</td>
<td>Adds subsection (9)(E) to § 21.45.120; amends subsection (6) of § 21.45.120, zoning (21.45)</td>
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<td>9498</td>
<td>Adds Ch. 21.09; amends §§ 21.04.065, 21.05.010 and subsections (3) of 21.05.020 and (8) of 21.42.010, zoning (21.04, 21.05, 21.09)</td>
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<td>9501</td>
<td>Adds §§ 21.04.400, subsection (k) to paragraph (2) of 21.42.010, and 21.44.085, zoning (21.04, 21.44)</td>
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<td>9504</td>
<td>Adds subsection (a)(4) to and amends subsection (b) of § 20.24.150, subdivisions (20.24)</td>
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ORD-26
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
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<tbody>
<tr>
<td>9505</td>
<td>Adds Ch. 21.55, dedication for school facilities (21.55)</td>
</tr>
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<td>9506</td>
<td>Amends § 21.04.265, lot widths (21.04)</td>
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<td>9507</td>
<td>Adds subsections (10) and (11) to § 21.36.020; amends subsection (2)(J) of § 21.42.010; deletes subsection (11) of § 21.07.040 and renumbers subsection (12) to (11), deletes subsection (24) of § 21.32.010 and renumbers subsections (25)—(34) to (24)—(33), deletes subsection (7) of § 21.33.040 and renumbers subsections (8) to (13) to (7)—(12), deletes subsection (6)(c) of § 21.42.010 and reletters subsections (D)—(H) to (C)—(G), zoning (21.32, 21.36)</td>
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<td>9508</td>
<td>Amends § 21.44.020, zoning (21.53)</td>
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<td>9509</td>
<td>Amends subsection (2)(J) of § 21.42.010, accessory public utility uses (Repealed by NS-791)</td>
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<tr>
<td>9510</td>
<td>Amends § 21.45.130, extends planned unit development permits (21.45)</td>
</tr>
<tr>
<td>9516</td>
<td>Adds Ch. 21.47, condominium and condominium conversions (Repealed by 9631)</td>
</tr>
<tr>
<td>9518</td>
<td>Adds Ch. 21.49, zoning (21.49)</td>
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<tr>
<td>9521</td>
<td>Adds §§ 20.04.055, 20.04.100, 20.04.110, 20.12.015, 20.16.015, 20.16.041, 20.16.042, 20.16.043, 20.20.160, 20.20.170, 20.32.080, 20.36.080, subsection (5) to § 20.04.020, subsections (4), (5) and (6) to § 20.04.040, subsection (b) to § 20.12.070, and additional language to §§ 20.12.100 and 20.24.130; amends §§ 20.04.070, 20.08.140, 20.20.020, 20.24.150, 20.28.060, 20.28.070, 20.32.020, 20.36.010, 20.36.020, 20.36.030, 20.36.070, 20.44.020, 20.44.100, subsections (18), (19), (21) and (22) of § 20.04.020, subsection (b) of § 20.04.060, subsection (c) of § 20.12.090, subsection (1) of § 20.16.010, subsection (3) of § 20.32.040, subsections (a) and (c) of § 20.48.030 and subsection (a) of § 20.48.040; renumbers subsections (5)—(15) of § 20.04.020 and subsections (b) and (c) of § 20.12.070; deletes subsection (16) of § 20.04.020 and language from subsection (a) of § 20.16.040, subdivisions (20.04—20.36, 20.44, 20.48)</td>
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<td>9522</td>
<td>Adds subdivision (L) to subsection (2) of § 21.42.010, zoning (Repealed by NS-791)</td>
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<td>9523</td>
<td>Amends subsection (a) of § 21.41.075, zoning (Repealed by NS-606)</td>
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<td>9524</td>
<td>Amends § 21.47.020, zoning (Repealed by 9631)</td>
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<td>9525</td>
<td>Adds language to § 20.24.160, subdivisions (20.24)</td>
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<tr>
<td>9528</td>
<td>Adds § 21.18.045, zoning (Repealed by NS-274)</td>
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<td>9530</td>
<td>Adds language to § 21.36.040; amends §§ 21.38.110, 21.50.130, 21.50.140, 21.52.050, 21.52.110, 21.52.120, and 21.52.140; deletes § 21.50.150 and renumbers § 21.50.160 to § 21.50.150, zoning (21.36, 21.52)</td>
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<tr>
<td>9532</td>
<td>Adds §§ 20.24.115 and 20.24.140(e); amends §§ 20.12.080(1), 20.12.090(b) and 20.40.050(a), property owner notices (20.12, 20.24, 20.40)</td>
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<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
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<td>------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td>9533</td>
<td>Adds § 20.20.155, adds new § 21.55.070(d) and renumbers existing § 21.55.070(d) and (e) to § 21.55.070(e) and (f), adds new § 21.55.110(d) and renumbers existing § 21.55.110(d) to (e); adds language to § 21.55.130(c) and adds § 21.55.155; amends § 21.55.150, zoning (20.20, 21.55)</td>
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<td>9534</td>
<td>Amends § 21.24.030, zoning (21.24)</td>
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<td>9535</td>
<td>Adds language to § 21.47.030(c); amends §§ 21.38.150, 21.45.020, 21.47.050, 21.47.060 and subsections (1)(A), (2)(C), (5), (6), (8)(B), and (11) of § 21.47.130, zoning (21.38, 21.45)</td>
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<td>9536</td>
<td>Amends § 21.54.060, zoning (21.54)</td>
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<td>9537</td>
<td>Adds §§ 21.04.298, 21.04.299, and subsection (9) to § 21.42.010; reletters subsections (6)(D), (E), (F) and (G) of § 21.42.010 to (6)(C), (D), (E) and (F); deletes §§ 21.04.365, 21.04.370, and subsection (6)(C) of § 21.42.010, zoning (21.04)</td>
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<td>9538</td>
<td>Amends §§ 21.44.020 and 21.48.080, zoning (21.53)</td>
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<td>9539</td>
<td>Amends § 21.49.020, zoning (21.49)</td>
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<td>9541</td>
<td>Amends subsection (5)(N) of § 21.42.010, zoning (Repealed by NS-791)</td>
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<td>9542</td>
<td>Adds subsection (12) to § 21.49.020, zoning (21.49)</td>
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<td>9545</td>
<td>Amends § 21.07.040, zoning (Repealed by NS-791)</td>
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<td>9551</td>
<td>Adds subsection (12) to § 21.36.050, zoning (21.36)</td>
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<td>9552</td>
<td>Adds subsections (13) and (14) to § 21.49.020, zoning (21.49)</td>
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<td>9553</td>
<td>Adds subdivision (D) and amends subdivision (B) of subsection (1) of § 21.47.130, zoning (Repealed by 9631)</td>
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<td>9555</td>
<td>Adds subsection (9) and amends subsection (2) of § 21.41.070, zoning (Repealed by NS-606)</td>
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<td>9556</td>
<td>Adds § 21.49.025, zoning (21.49)</td>
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<td>9557</td>
<td>Amends Ch. 19.04, environmental protection procedures (Repealed by NS-593)</td>
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<td>9558</td>
<td>Adds § 21.44.015, voter authorization for airport expansion (21.53)</td>
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<td>9559</td>
<td>Amends §§ 20.12.015, 20.12.090(d), (e)(1) and (2), 20.24.030 and 20.24.130(4), (6)(a) and (b), subdivisions (20.12, 20.24)</td>
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<tr>
<td>9560</td>
<td>Adds Ch. 20.09, drainage fees (Repealed by NS-293)</td>
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<td>9568</td>
<td>Amends §§ 20.08.010 and 20.08.020, subdivisions and §§ 21.06.060, 21.38.050(3), 21.38.120(a)(5), 21.45.050(2), 21.45.160(a)(5) and 21.54.040, zoning (20.08, 21.06, 21.38, 21.45, 21.54)</td>
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<td>9571</td>
<td>Adds subsection (AA) to § 21.42.010, zoning (Repealed by NS-791)</td>
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<tr>
<td>9573</td>
<td>Adds § 21.47.170; amends § 21.47.160(2), condominiums and condominium conversions (Repealed by 9631)</td>
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ORD-28
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9577</td>
<td>Amends § 21.49.020(11), planning moratorium (21.49)</td>
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<td>9580</td>
<td>Amends § 21.47.130(2); deletes § 21.22.110, zoning (Repealed by 9631)</td>
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<td>9588</td>
<td>Amends § 20.48.040, subdivisions (20.48)</td>
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<td>9592</td>
<td>Amends § 21.04.045, zoning (21.04)</td>
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<td>9598</td>
<td>Adds Ch. 21.51; amends § 21.10.080, zoning (21.10)</td>
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<td>9600</td>
<td>Amends §§ 21.49.020 and 21.49.025, zoning (21.49)</td>
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<td>9604</td>
<td>Adds § 19.04.245; amends §§ 19.04.040(b) and (f), and § 19.04.230, environmental protection (Repealed by NS-593)</td>
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<td>9605</td>
<td>Amends § 21.04.210, zoning (21.04)</td>
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<td>9610</td>
<td>Amends § 20.09.040, drainage fees (Repealed by NS-293)</td>
</tr>
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<td>9614</td>
<td>Adds § 20.44.120; amends §§ 20.44.010 through 20.44.080, dedication of land (20.44)</td>
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<td>9615</td>
<td>Amends subsection (1) of § 21.37.020, zoning (21.37)</td>
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<td>9626</td>
<td>Adds §§ 20.04.040(b)(7), 20.12.092(c), language to § 20.12.110(b), language to §§ 20.24.115 and 20.48.090; amends §§ 20.12.090(a), 20.12.093(a) and 20.12.100(a); deletes § 20.04.020(19)(A) through (F), subdivisions (20.04, 20.12, 20.24, 20.48)</td>
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<td>9630</td>
<td>Amends § 20.16.010(8), subdivisions (20.16)</td>
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<td>9631</td>
<td>Amends § 19.04.085; amends §§ 19.04.025(4), 19.04.080, 19.04.120, 19.04.130, 19.04.190(f) and 19.04.210, environment (Repealed by NS-593)</td>
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<td>9632</td>
<td>Amends Ch. 21.45, planned development; deletes Ch. 21.47, condominium conversion (21.45)</td>
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<td>9637</td>
<td>Amends §§ 20.44.040 and 20.44.050, land dedication (20.44)</td>
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<td>9639</td>
<td>Adds Ch. 21.35, V-R village redevelopment zone (Repealed by NS-330)</td>
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<td>9642</td>
<td>Amends §§ 21.41.030(6) and 21.41.070(3)(B), zoning (Repealed by NS-606)</td>
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<td>9643</td>
<td>Adds Ch. 21.70, development agreements (21.70)</td>
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<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
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<td>9644</td>
<td>Amends § 20.44.040, standards and formula for dedication of land (20.44)</td>
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<td>9645</td>
<td>Amends § 21.30.030, building height limitations (21.30)</td>
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<tr>
<td>9651</td>
<td>Amends § 21.51.020, zoning (Repealed by CS-178)</td>
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<td>9652</td>
<td>Adds § 21.05.095, zoning (21.05)</td>
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<td>9654</td>
<td>Amends § 20.44.050(d), subdivisions (20.44)</td>
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<td>9658</td>
<td>Amends § 21.24.120, zoning (21.24)</td>
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<td>9663</td>
<td>Adds § 21.04.357 and subsection (10) to § 21.42.010, zoning (21.04)</td>
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<td>Adds Ch. 21.23, zoning (Repealed by NS-20)</td>
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<td>9665</td>
<td>Adds sentence to subsection (1) of § 21.44.160; amends subsection (2) of § 21.44.130, zoning (21.44)</td>
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<td>9667</td>
<td>Amends § 21.04.065, zoning (21.04)</td>
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<td>Adds § 21.44.165, zoning (21.44)</td>
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<td>9669</td>
<td>Amends § 19.04.150, environmental protection procedures (Repealed by NS-593)</td>
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<td>Adds Ch. 21.80, zoning (21.80)</td>
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<td>9671</td>
<td>Amends §§ 21.05.010 and 21.05.020, zoning (21.05)</td>
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<td>9675</td>
<td>Amends § 21.46.120, zoning (21.46)</td>
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<td>9679</td>
<td>Amends §§ 21.35.080, 21.35.100 and 21.35.110, zoning (Repealed by NS-330)</td>
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<td>9681</td>
<td>Amends § 20.08.050, subdivisions (20.08)</td>
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<td>9684</td>
<td>Amends § 21.37.120(b), zoning (21.37)</td>
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<td>9685</td>
<td>Adds Ch. 21.47, zoning (21.47)</td>
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<td>9686</td>
<td>Amends § 21.10.010(7), zoning (21.10)</td>
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<td>9687</td>
<td>Adds § 21.42.010(11), zoning (Repealed by NS-791)</td>
</tr>
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<td>9693</td>
<td>Amends Ch. 21.34, zoning (21.34)</td>
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<td>9698</td>
<td>Adds Ch. 21.27, zoning (21.27)</td>
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<td>Adds § 21.42.074, zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>9707</td>
<td>Adds § 21.42.010(5)(cc), zoning (Repealed by NS-791)</td>
</tr>
<tr>
<td>9712</td>
<td>Amends Ch. 19.04, environmental protection procedures (Repealed by NS-593)</td>
</tr>
<tr>
<td>9713</td>
<td>Approves specific plan amendment</td>
</tr>
<tr>
<td>9714</td>
<td>Adds Ch. 21.81, zoning (Repealed by NS-330)</td>
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<tr>
<td>9723</td>
<td>Adds §§ 20.04.056 and 20.04.057; amends § 20.04.055, subdivisions (20.04)</td>
</tr>
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<td>9724</td>
<td>Amends § 20.44.040, subdivisions (20.44)</td>
</tr>
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<td>9727</td>
<td>Amends §§ 21.45.090(d)(3) and 21.47.110(a), zoning (21.45, 21.47)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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<tr>
<td>9729</td>
<td>Amends § 21.44.165, zoning (21.44)</td>
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<td>9733</td>
<td>Amends § 21.41.075(b), zoning (Repealed by NS-606)</td>
</tr>
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<td>9737</td>
<td>Adds § 21.41.076, zoning (Repealed by NS-606)</td>
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<td>Amends §§ 21.06.010, 21.06.020, 21.06.070 and 21.06.140, zoning (21.06)</td>
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<td>Amends § 21.10.010(2), zoning (21.10)</td>
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<td>Adds Ch. 21.21, zoning (21.21)</td>
</tr>
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<td>9744</td>
<td>Adds § 21.54.130, zoning (21.54)</td>
</tr>
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<td>9751</td>
<td>Rezone (ZC 322)</td>
</tr>
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<td>9752</td>
<td>Amends § 21.44.160(6), zoning (21.44)</td>
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<td>9753</td>
<td>Amends § 21.32.050, zoning (21.32)</td>
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<td>9759</td>
<td>Amends § 21.41.074(a)(2), zoning (Repealed by NS-606)</td>
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<td>9764</td>
<td>Adds Ch. 21.82, zoning (Repealed by NS-834)</td>
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<td>Adds § 21.44.220, zoning (21.53)</td>
</tr>
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<td>9770</td>
<td>Amends § 20.44.040, subdivisions (20.44)</td>
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<td>9776</td>
<td>Adds Title 22, historic preservation (22.02, 22.06, 22.08)</td>
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<td>9781</td>
<td>Amends § 20.44.080(a), subdivisions (20.44)</td>
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<td>9782</td>
<td>Amends § 21.37.100(7), zoning (21.37)</td>
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<td>Adds §§ 20.04.020(24), 20.24.190 and Ch. 20.17; amends §§ 20.08.010 and 20.08.020, subdivisions (20.04, 20.08, 20.17, 20.24)</td>
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<td>9792</td>
<td>Adds § 21.44.230, zoning (Repealed by NS-834)</td>
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<td>9794</td>
<td>Land use element density ranges</td>
</tr>
<tr>
<td>9796</td>
<td>Rezone (ZC 342)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
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<td>9802</td>
<td>Rezone (ZC 345)</td>
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<td>9803</td>
<td>Adds § 20.04.140, zoning (20.04)</td>
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<td>9806</td>
<td>Adds language to §§ 20.04.055(d), 20.04.120, 20.12.091(b)(5) and 20.24.130(b)(e); amends §§ 20.12.100(a), (b) and (d), 20.12.110, 20.17.020(f), 20.20.020(c), 20.20.060(7), 20.20.170, 20.32.080, 20.36.020(5), 20.36.060, 20.36.070, 20.44.130(b), subdivisions (20.04, 20.12, 20.17, 20.20, 20.24, 20.32, 20.36, 20.44)</td>
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<tr>
<td>9808</td>
<td>Adds Ch. 21.90, growth management (21.90)</td>
</tr>
<tr>
<td>9809</td>
<td>Adds §§ 21.04.036, 21.33.040(13) and 21.36.110, zoning (21.36)</td>
</tr>
<tr>
<td>9810</td>
<td>Urgency ordinance-growth management (Not codified)</td>
</tr>
<tr>
<td>9812</td>
<td>Amends §§ 21.42.020 and 21.43.020, zoning (Repealed by CS-063)</td>
</tr>
<tr>
<td>9818</td>
<td>Adds Ch. 21.100, transportation corridor zoning (21.100)</td>
</tr>
<tr>
<td>9823</td>
<td>Adds § 21.45.040(6); amends §§ 21.45.020(b), 21.45.072(2) and (8), 21.45.080(2) and (3), and 21.45.090; repeals § 21.45.230, zoning (21.45)</td>
</tr>
<tr>
<td>9826</td>
<td>Adds § 21.53.120(e) and Ch. 21.95, zoning (21.53)</td>
</tr>
<tr>
<td>9827</td>
<td>Adds §§ 20.12.091(b)(12) and 21.16.010(13), subdivisions (20.12)</td>
</tr>
<tr>
<td>9828</td>
<td>Adds § 21.81.165; amends §§ 21.81.110(3)(b) and 21.81.130, zoning (Repealed by NS-330)</td>
</tr>
<tr>
<td>9830</td>
<td>Amends §§ 20.04.020(7), 20.24.160 and 20.44.050(b); repeals § 20.24.170, subdivisions (20.04, 20.24, 20.44)</td>
</tr>
<tr>
<td>9831</td>
<td>Amends §§ 20.44.030, 20.44.040 and 20.44.080, subdivisions (20.44)</td>
</tr>
<tr>
<td>9834</td>
<td>Amends § 21.41.076(c)(1), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>9835</td>
<td>Renumbers subsections (10)—(16) of § 22.02.040 to be (11)—(17) and adds a new subsection (10); amends § 22.06.030(f), historic preservation (22.02, 22.06)</td>
</tr>
<tr>
<td>9836</td>
<td>Adds §§ 21.37.120(d)—(f) and 21.37.130; amends §§ 21.37.030 and 21.37.120(b), zoning (21.37)</td>
</tr>
<tr>
<td>9837</td>
<td>Adds § 21.90.030(c)(12), zoning (21.90)</td>
</tr>
<tr>
<td>9838</td>
<td>Adds § 21.38.060(5); amends § 21.38.060(1)(C) and (2)(A), zoning (21.38)</td>
</tr>
</tbody>
</table>

**NS Series**

- **NS-1**
  Adds Ch. 6.18, spirit and wine cooler redemption (Repealed by NS-46)
- **NS-2**
  Adds §§ 3.28.090(7) and 3.28.190; amends §§ 3.28.080, 3.28.090(2), 3.28.120, 3.28.130(a) and 3.28.170, purchasing (Repealed by CS-002)
- **NS-3**
  Amends § 10.44.080(a), speed restrictions (10.44)
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS-4</td>
<td>Amends § 1.20.170(b), city council procedure (1.20)</td>
</tr>
<tr>
<td>NS-5</td>
<td>Amends Ch. 11.16, work in public rights-of-way; repeals §§ 11.04.050 through 11.04.240 (Repealed by NS-386)</td>
</tr>
<tr>
<td>NS-6</td>
<td>Adds Ch. 21.105, recycling facilities (21.105)</td>
</tr>
<tr>
<td>NS-7</td>
<td>Amends § 10.44.200, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-8</td>
<td>Amends § 3.12.030, transient occupancy tax (3.12)</td>
</tr>
<tr>
<td>NS-9</td>
<td>Amends § 2.28.050, traffic safety commission (2.28)</td>
</tr>
<tr>
<td>NS-10</td>
<td>Void</td>
</tr>
<tr>
<td>NS-11</td>
<td>Adds § 6.02.015, bathhouses (Repealed by NS-558)</td>
</tr>
<tr>
<td>NS-12</td>
<td>Amends § 13.10.030, sewer capacity fee (13.10)</td>
</tr>
<tr>
<td>NS-13</td>
<td>Amends § 10.40.062, parking time limits (10.40)</td>
</tr>
<tr>
<td>NS-14</td>
<td>Amends § 13.12.020, sewer service charges (13.12)</td>
</tr>
<tr>
<td>NS-15</td>
<td>Amends § 18.40.040(b), building code (18.40)</td>
</tr>
<tr>
<td>NS-16</td>
<td>Adds § 10.44.280, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-17</td>
<td>Repeals § 11.24.020(8) (Repealer)</td>
</tr>
<tr>
<td>NS-19</td>
<td>Adds §§ 21.42.010(6)(G) and 21.53.130(e)(3)(A), zoning (21.53)</td>
</tr>
<tr>
<td>NS-20</td>
<td>Repeals Chs. 21.14, 21.23 and 21.25 (Repealer)</td>
</tr>
<tr>
<td>NS-21</td>
<td>Void</td>
</tr>
<tr>
<td>NS-22</td>
<td>Amends §§ 1.20.060(a) and (b), council's agenda (1.20)</td>
</tr>
<tr>
<td>NS-23</td>
<td>Void</td>
</tr>
<tr>
<td>NS-24</td>
<td>Amends § 21.37.100(7), zoning (21.37)</td>
</tr>
<tr>
<td>NS-25</td>
<td>Adds § 10.44.300, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-26</td>
<td>Adds § 10.44.290, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-28</td>
<td>Amends § 2.04.010, city council (2.04)</td>
</tr>
<tr>
<td>NS-29</td>
<td>Void</td>
</tr>
<tr>
<td>NS-30</td>
<td>Rezone (ZC 87-1)</td>
</tr>
<tr>
<td>NS-31</td>
<td>Establishes temporary land use controls to protect open space</td>
</tr>
<tr>
<td>NS-32</td>
<td>Adds § 6.02.016, catering (Repealed by NS-558)</td>
</tr>
<tr>
<td>NS-33</td>
<td>Adds § 10.44.320, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-34</td>
<td>Adds § 10.44.310, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-35</td>
<td>Amends § 10.52.130, abandoned vehicles (10.52)</td>
</tr>
<tr>
<td>NS-36</td>
<td>Extends temporary land use controls as established by Ord. NS-31</td>
</tr>
<tr>
<td>NS-37</td>
<td>Amends §§ 21.95.030(4) and 21.95.040(a) and (b), zoning (Repealed by NS-446)</td>
</tr>
<tr>
<td>NS-38</td>
<td>Adds Ch. 1.14, disqualification for conflict of interest (1.14)</td>
</tr>
<tr>
<td>NS-39</td>
<td>Adds Ch. 21.110, floodplain management regulations; repeals Ch. 21.31 (21.110)</td>
</tr>
<tr>
<td>NS-40</td>
<td>Adds § 10.40.067, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-41</td>
<td>Adds § 10.40.068, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-42</td>
<td>Rezone (ZC 88-4)</td>
</tr>
<tr>
<td>NS-43</td>
<td>Adds §§ 3.28.024 and 3.28.082; amends §§ 3.28.080 and 3.28.170, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-44</td>
<td>Amends § 21.54.060(1)(a) and 21.54.120, zoning (21.54)</td>
</tr>
<tr>
<td>NS-45</td>
<td>Amends Ch. 2.38, senior commission (2.38)</td>
</tr>
<tr>
<td>NS-46</td>
<td>Repeals Ch. 6.18 (Repealer)</td>
</tr>
<tr>
<td>NS-47</td>
<td>Amends § 10.44.170, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-48</td>
<td>Amends § 8.28.040, motor vehicles (8.28)</td>
</tr>
<tr>
<td>NS-49</td>
<td>Amends § 11.32.040, parks and beaches (11.32)</td>
</tr>
<tr>
<td>NS-50</td>
<td>Amends § 10.40.059, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-51</td>
<td>Amends § 11.32.030(11), parks and beaches (11.32)</td>
</tr>
<tr>
<td>NS-52</td>
<td>Amends § 3.12.030, transient occupancy tax (3.12)</td>
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<tr>
<td>NS-53</td>
<td>Adds new § 8.50.160 and renumbers former § 8.50.160 to be 8.50.170; amends §§ 8.50.030, 8.50.050 and 8.50.080, alarm systems (8.50)</td>
</tr>
<tr>
<td>NS-54</td>
<td>Authorizes bond issuance</td>
</tr>
<tr>
<td>NS-55</td>
<td>Adds § 3.28.172; amends § 3.28.080, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-56</td>
<td>Amends Ch. 8.17 and § 11.32.030(5), special event permit; repeals Ch. 10.57 and § 21.42.010(2)(D) (11.32)</td>
</tr>
<tr>
<td>NS-57</td>
<td>Adds § 6.09.091, garbage collection (Repealed by NS-427)</td>
</tr>
<tr>
<td>NS-58</td>
<td>Adds § 1.13.035, election campaign disclosure (1.13)</td>
</tr>
<tr>
<td>NS-59</td>
<td>Rezone (ZC 88-1)</td>
</tr>
<tr>
<td>NS-60</td>
<td>Rezone (ZC 88-6)</td>
</tr>
<tr>
<td>NS-61</td>
<td>Void</td>
</tr>
<tr>
<td>NS-62</td>
<td>Adds Ch. 14.12, cross-connection control program for water system; repeals § 14.08.010 (Repealed by CS-034)</td>
</tr>
<tr>
<td>NS-63</td>
<td>Adds § 21.90.030(c)(13), zoning (21.90)</td>
</tr>
<tr>
<td>NS-64</td>
<td>Adds § 10.40.069, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-65</td>
<td>Adds § 10.40.070, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-66</td>
<td>Authorizes amendment to contract with California Public Employees’ Retirement System</td>
</tr>
<tr>
<td>NS-67</td>
<td>Adds § 10.44.170(b), speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-68</td>
<td>Amends §§ 5.08.010, 5.08.070(3), 5.08.100, 5.08.170, 5.08.180, 8.50.030, 10.56.070, 11.06.050(f)(1), 11.24.020, 20.08.040, 20.08.050, 20.08.060, 20.08.070, 20.08.080, 20.08.090, 20.08.100 and 20.08.110, relating to fees; repeals § 5.08.200 (5.08, 8.50, 10.56, 11.24, 20.08)</td>
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<td>NS-69</td>
<td>Amends § 13.12.020, sewer service charges (13.12)</td>
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<tr>
<td>NS-70</td>
<td>Adds § 1.08.010(b)(4), general penalty (1.08)</td>
</tr>
<tr>
<td>NS-71</td>
<td>Amends Master Plan 175</td>
</tr>
<tr>
<td>NS-72</td>
<td>Rezone</td>
</tr>
<tr>
<td>NS-73</td>
<td>Adds Ch. 2.30, child care commission (Expired)</td>
</tr>
<tr>
<td>NS-74</td>
<td>Adds § 6.02.017, health and sanitation—county code (Repealed by NS-558)</td>
</tr>
<tr>
<td>NS-75</td>
<td>Amends Master Plan 177(A)</td>
</tr>
<tr>
<td>NS-76</td>
<td>Amends § 7.08.010, rabies, animal control and regulation (7.08)</td>
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ORD-34
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS-77</td>
<td>Amends § 13.12.020, sewer service charges (13.12)</td>
</tr>
<tr>
<td>NS-78</td>
<td>Approves Department of Justice Commission peace officer standards</td>
</tr>
<tr>
<td>NS-79</td>
<td>Adds § 10.40.071, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-80</td>
<td>Amends §§ 2.08.020 and 2.08.030, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-82</td>
<td>Void</td>
</tr>
<tr>
<td>NS-83</td>
<td>Amends Master Plan (MP-175)(Special)</td>
</tr>
<tr>
<td>NS-84</td>
<td>Adds § 3.36.040, fees for special police services (3.36)</td>
</tr>
<tr>
<td>NS-85</td>
<td>Amends § 10.44.030, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-86</td>
<td>Amends § 6.16.110, nuisances (6.16)</td>
</tr>
<tr>
<td>NS-88</td>
<td>Adds § 10.40.072, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-89</td>
<td>Adds § 10.40.073, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-90</td>
<td>Adds § 10.40.074, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-91</td>
<td>Amends § 10.40.053, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-92</td>
<td>Adds § 10.40.076, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-93</td>
<td>Amends §§ 2.44.030(10) and 2.44.050, personnel (2.44)</td>
</tr>
<tr>
<td>NS-94</td>
<td>Adds § 10.44.340, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-95</td>
<td>Amends § 8.17.050(c), special event permit (Repealed by NS-811)</td>
</tr>
<tr>
<td>NS-96</td>
<td>Adds § 10.40.077, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-97</td>
<td>Repeals and replaces Ch. 17.04, fire prevention code (Repealed by NS-212)</td>
</tr>
<tr>
<td>NS-98</td>
<td>Amends § 6.02.017, county code (Repealed by NS-558)</td>
</tr>
<tr>
<td>NS-99</td>
<td>Adds Ch. 11.36, locations and standards for newsracks on public rights-of-way (11.36)</td>
</tr>
<tr>
<td>NS-100</td>
<td>Adds §§ 21.53.130(d)(8) and 21.53.150; adds new § 21.53.130 and renumbers former § 21.53.130 to be 21.53.140; amends §§ 21.45.090(n), 21.53.130(b) and (d)(5), zoning (21.45, 21.53)</td>
</tr>
<tr>
<td>NS-101</td>
<td>Temporary land use controls to protect open space</td>
</tr>
<tr>
<td>NS-102</td>
<td>Adds § 10.44.350, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-103</td>
<td>Amends § 21.41.076(8)(f), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-104</td>
<td>Adds § 11.36.070 and reletters following sections; amends § 11.36.020, newsracks and obscene material (11.36)</td>
</tr>
<tr>
<td>NS-105</td>
<td>Repeals and readopts Ch. 18.04, building code (Repealed by NS-209)</td>
</tr>
<tr>
<td>NS-106</td>
<td>Adds § 18.08.010, mechanical code (Repealed by CS-128)</td>
</tr>
<tr>
<td>NS-107</td>
<td>Amends § 18.16.010, plumbing code (18.16)</td>
</tr>
<tr>
<td>NS-108</td>
<td>Emergency measure prohibiting expansion of gas and electric utility facilities located within the public utility zone</td>
</tr>
<tr>
<td>NS-109</td>
<td>Extends temporary land use controls imposed by Ord. NS-101</td>
</tr>
<tr>
<td>NS-110</td>
<td>Amends § 2.28.040, traffic safety commission (2.28)</td>
</tr>
<tr>
<td>NS-111</td>
<td>Extends emergency measure prohibiting expansion of gas and electric utility facilities located within the public utility zone imposed by Ord. NS-108</td>
</tr>
<tr>
<td>NS-112</td>
<td>Adds § 10.40.078, two-hour parking (10.40)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-113</td>
<td>Adds § 2.36.090(d), park and recreation commission (2.36)</td>
</tr>
<tr>
<td>NS-114</td>
<td>Amends § 10.44.070, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-115</td>
<td>Void</td>
</tr>
<tr>
<td>NS-116</td>
<td>Amends § 10.44.060, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-117</td>
<td>Amends § 2.48.030, employer-employee relations (2.48)</td>
</tr>
<tr>
<td>NS-118</td>
<td>Amends Master Plan 177</td>
</tr>
<tr>
<td>NS-119</td>
<td>Adds § 10.40.080(6), parking (10.40)</td>
</tr>
<tr>
<td>NS-120</td>
<td>Amends § 20.44.080, subdivisions (20.44)</td>
</tr>
<tr>
<td>NS-121</td>
<td>Amends § 18.28.020, swimming pools (Repealed by CS-245)</td>
</tr>
<tr>
<td>NS-122</td>
<td>Amends § 2.04.010, city council salary (2.04)</td>
</tr>
<tr>
<td>NS-123</td>
<td>Master Plan amendment (MP-149(o))(Special)</td>
</tr>
<tr>
<td>NS-124</td>
<td>Master Plan amendment (MP-88-1)(Special)</td>
</tr>
<tr>
<td>NS-125</td>
<td>Rezone (ZC 88-3)</td>
</tr>
<tr>
<td>NS-126</td>
<td>Amendment to contract with CalPERS</td>
</tr>
<tr>
<td>NS-127</td>
<td>Temporary land use controls to protect open space</td>
</tr>
<tr>
<td>NS-128</td>
<td>Amends § 3.28.082, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-130</td>
<td>Amends § 21.41.160(e), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-131</td>
<td>Adds § 20.16.050(f); amends §§ 20.16.080(3) and 20.16.090(1); repeals § 20.16.090(4), subdivisions (20.16)</td>
</tr>
<tr>
<td>NS-132</td>
<td>Extends temporary land use controls imposed by Ord. NS-127</td>
</tr>
<tr>
<td>NS-133</td>
<td>Amends §§ 3.28.120, 3.28.130, 3.28.170 and 3.28.172(b)(2) and (3), purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-134</td>
<td>Amends § 11.06.025, excavation and grading (Repealed by NS-385)</td>
</tr>
<tr>
<td>NS-135</td>
<td>Amends § 2.24.070(b), planning commission (2.24)</td>
</tr>
<tr>
<td>NS-136</td>
<td>Rezone (ZC 89-06)</td>
</tr>
<tr>
<td>NS-137</td>
<td>Amends § 13.10.030, sewer connection and capacity permits and fees (13.10)</td>
</tr>
<tr>
<td>NS-138</td>
<td>Amends § 21.44.020(20), zoning (Repealed by NS-834)</td>
</tr>
<tr>
<td>NS-139</td>
<td>Amends Ch. 2.20, financial management director (2.20)</td>
</tr>
<tr>
<td>NS-140</td>
<td>Master Plan amendment MP 177(B)</td>
</tr>
<tr>
<td>NS-141</td>
<td>Amends §§ 22.02.040(9), 22.02.050, 22.04.030(3), 22.06.010 and 22.06.020, clarifies duties of the historic preservation commission (22.02, 22.06)</td>
</tr>
<tr>
<td>NS-142</td>
<td>Adds § 5.20.050; amends §§ 5.20.010, 5.20.030, 5.20.060(6), 5.20.070 through 5.20.100, 5.20.120 through 5.20.160; repeals § 5.20.040 and renumbers § 5.20.050 to be the new § 5.20.040, regulation of taxicabs (Repealed by CS-218)</td>
</tr>
<tr>
<td>NS-144</td>
<td>Amends §§ 6.16.020(3), 6.16.040(4) and (5), 6.16.060, 6.16.070, 6.16.090, 6.16.100, 6.16.110 and 6.16.130, nuisances (6.16)</td>
</tr>
<tr>
<td>NS-145</td>
<td>Adds § 10.44.360, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-146</td>
<td>Adds § 10.44.360, speed restrictions (10.44)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-147</td>
<td>Amends § 10.44.060, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-148</td>
<td>Amends § 8.17.150(b)(1), regulation of street closure during special events (Repealed by NS-811)</td>
</tr>
<tr>
<td>NS-149</td>
<td>Rezone (ZC 90-1)</td>
</tr>
<tr>
<td>NS-150</td>
<td>Amends § 3.32.040(b), claims and demands (3.32)</td>
</tr>
<tr>
<td>NS-151</td>
<td>Amends § 10.56.010, bicycles (10.56)</td>
</tr>
<tr>
<td>NS-152</td>
<td>Amends § 11.32.070, parks and beaches (11.32)</td>
</tr>
<tr>
<td>NS-153</td>
<td>Approves SP 201</td>
</tr>
<tr>
<td>NS-154</td>
<td>Amends §§ 3.29.040, disposal of surplus city property, and 3.30.020, lost and unclaimed property (3.29, 3.30)</td>
</tr>
<tr>
<td>NS-155</td>
<td>Authorizes levy of special tax</td>
</tr>
<tr>
<td>NS-156</td>
<td>Amends § 5.09.040, additional license tax on new construction (5.09)</td>
</tr>
<tr>
<td>NS-157</td>
<td>Adds subsection (m) to § 20.08.140, fees (20.08)</td>
</tr>
<tr>
<td>NS-158</td>
<td>Adds subsection (c) to § 18.42.050, interim traffic impact fee for southeastern area (18.42)</td>
</tr>
<tr>
<td>NS-159</td>
<td>Adds subsection (13) to § 2.44.030, personnel; adds to § 2.48.030(7), employer-employee relations (2.44, 2.48)</td>
</tr>
<tr>
<td>NS-160</td>
<td>Amends § 2.12.035(1), city manager; amends § 2.14.050, city attorney; amends § 3.28.040, purchasing officer (2.12, 2.14)</td>
</tr>
<tr>
<td>NS-161</td>
<td>Amends MP 177</td>
</tr>
<tr>
<td>NS-162</td>
<td>Adds § 10.44.370, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-163</td>
<td>Adds § 10.28.410, special stops (10.28)</td>
</tr>
<tr>
<td>NS-164</td>
<td>Adds § 10.28.420, special stops (10.28)</td>
</tr>
<tr>
<td>NS-166</td>
<td>Approves Specific Plan amendment SP 19(E)</td>
</tr>
<tr>
<td>NS-167</td>
<td>Amends § 7.08.010, county code adoption (7.08)</td>
</tr>
<tr>
<td>NS-168</td>
<td>Adds §§ 11.06.032—11.06.034; amends § 11.06.031, infill grading (Repealed by NS-385)</td>
</tr>
<tr>
<td>NS-169</td>
<td>Adds §§ 2.08.092 and 2.08.094; amends §§ 2.08.080, 2.08.090, 2.18.030, 2.26.020, 2.28.010, 2.28.020, 2.38.020, 2.40.010 and 2.40.020; repeals and replaces §§ 2.16.005 and 2.16.010; repeals §§ 2.16.015, 2.16.020, 2.18.040, and 2.28.030, city officials' terms (2.08, 2.16, 2.18, 2.26, 2.28, 2.38)</td>
</tr>
<tr>
<td>NS-170</td>
<td>Adds § 18.16.070, ultra low flush toilets (18.16)</td>
</tr>
<tr>
<td>NS-171</td>
<td>Repeals Ch. 18.36, appeals board (Repealer)</td>
</tr>
<tr>
<td>NS-172</td>
<td>Adds §§ 20.20.060(8) and 20.32.040(9), subdivisions (20.20, 20.32)</td>
</tr>
<tr>
<td>NS-173</td>
<td>Void</td>
</tr>
<tr>
<td>NS-174</td>
<td>Rezone (ZC 91-8)</td>
</tr>
<tr>
<td>NS-175</td>
<td>Rezone (ZC 91-5)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>-----------------</td>
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<tr>
<td>NS-177</td>
<td>Amends §§ 18.42.010, 18.42.020(d), 18.42.020(e), 18.42.050(a) and 18.42.070, traffic impact fee (18.42)</td>
</tr>
<tr>
<td>NS-178</td>
<td>Approves amendment to SP 181</td>
</tr>
<tr>
<td>NS-179</td>
<td>Adds §§ 21.18.040(4), 21.42.010(8)(B), 21.44.020(33), parking (21.18)</td>
</tr>
<tr>
<td>NS-181</td>
<td>Amends § 10.42.010, parking enforcement (10.42)</td>
</tr>
<tr>
<td>NS-182</td>
<td>Void</td>
</tr>
<tr>
<td>NS-183</td>
<td>Adds §§ 6.09.092, 6.09.093, 6.09.094 and 6.09.111; amends § 6.09.010, garbage collection (Repealed by NS-427)</td>
</tr>
<tr>
<td>NS-184</td>
<td>Approves SP 208</td>
</tr>
<tr>
<td>NS-185</td>
<td>Rezone (ZC 90-5)</td>
</tr>
<tr>
<td>NS-187</td>
<td>Adds § 10.44.380, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-188</td>
<td>Adds Ch. 10.58, skateboarding (10.58)</td>
</tr>
<tr>
<td>NS-189</td>
<td>Emergency measure prohibiting approval of three-story structures in R-1-15,000 areas north of Aqua Hedionda Lagoon</td>
</tr>
<tr>
<td>NS-190</td>
<td>Adds § 10.40.081, parking (10.40)</td>
</tr>
<tr>
<td>NS-191</td>
<td>Adds § 10.40.079, parking (10.40)</td>
</tr>
<tr>
<td>NS-192</td>
<td>Void</td>
</tr>
<tr>
<td>NS-193</td>
<td>Adds § 5.12.025, cardgames (5.12)</td>
</tr>
<tr>
<td>NS-194</td>
<td>Adds § 8.16.015; amends §§ 8.16.010 and 8.16.020, discharge of firearms (8.16)</td>
</tr>
<tr>
<td>NS-195</td>
<td>Rezone (ZC 91-6)</td>
</tr>
<tr>
<td>NS-196</td>
<td>Adds § 21.52.020(4), zoning amendments (21.52)</td>
</tr>
<tr>
<td>NS-197</td>
<td>Adds § 1.08.020, code enforcement authority (1.08)</td>
</tr>
<tr>
<td>NS-198</td>
<td>Adds Ch. 18.07, unreinforced masonry buildings (18.07)</td>
</tr>
<tr>
<td>NS-199</td>
<td>Renumbers subsection (8) and all subsequent subsections of § 21.41.030 to be subsection (9), etc.; adds §§ 21.41.030(8) and 21.41.070(4)(E) and (10); amends §§ 21.41.050(3)(E) and 21.41.070(4)(C), signs (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-200</td>
<td>Amends § 21.43.110, adult entertainment (Repealed by NS-761)</td>
</tr>
<tr>
<td>NS-201</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-202</td>
<td>Amends § 10.44.140, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-203</td>
<td>Prohibits building permits for accessory structures in rear or side setbacks of R-1 zone</td>
</tr>
<tr>
<td>NS-205</td>
<td>Amends §§ 18.40.020(3), 18.40.040(b), 18.40.080(a) and 18.40.100; repeals § 18.40.030(d), building regulations (18.40)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
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<tr>
<td>------------------</td>
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<tr>
<td>NS-206</td>
<td>Extends provisions of Ord. NS-203</td>
</tr>
<tr>
<td>NS-209</td>
<td>Repeals and replaces Ch. 18.04, building code (Repealed by NS-333)</td>
</tr>
<tr>
<td>NS-210</td>
<td>Amends §§ 18.08.010—18.08.030, mechanical code (Repealed by CS-128)</td>
</tr>
<tr>
<td>NS-211</td>
<td>Amends §§ 18.16.010, 18.16.030 and 18.16.130; repeals § 18.16.150, plumbing code (18.16)</td>
</tr>
<tr>
<td>NS-212</td>
<td>Repeals and replaces Ch. 17.04, fire prevention code (Repealed by NS-332)</td>
</tr>
<tr>
<td>NS-213</td>
<td>Adds § 10.40.150, parking (10.40)</td>
</tr>
<tr>
<td>NS-214</td>
<td>Approves SP-19(D)</td>
</tr>
<tr>
<td>NS-215</td>
<td>Adds §§ 10.44.390—10.44.430, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-216</td>
<td>Adds § 5.16.020(g), (h); amends chapter title and §§ 5.16.010, 5.16.020(c), (e), (f), 5.16.050(o), 5.16.105(c), 5.16.160—5.16.200, 5.16.215, 5.16.240, 5.16.250, 5.16.255, 5.16.260, 5.16.320 and 5.16.330; repeals 5.16.090 and 5.16.230, massage establishments, massage technicians and holistic health practitioners (Repealed by CS-234)</td>
</tr>
<tr>
<td>NS-217</td>
<td>Amends § 10.40.081, parking (10.40)</td>
</tr>
<tr>
<td>NS-218</td>
<td>Amends § 1.16.010(b), time limits for judicial review (1.16)</td>
</tr>
<tr>
<td>NS-219</td>
<td>Adds Ch. 14.28, water-efficient landscapes (Repealed by CS-034)</td>
</tr>
<tr>
<td>NS-220</td>
<td>Amends § 10.44.120, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-221</td>
<td>Amends § 14.12.090(a), backflow prevention devices (Repealed by CS-034)</td>
</tr>
<tr>
<td>NS-222</td>
<td>Amends § 10.44.170, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-223</td>
<td>Amends § 2.04.030, council vacancies (2.04)</td>
</tr>
<tr>
<td>NS-224</td>
<td>Approves SP-23(F)</td>
</tr>
<tr>
<td>NS-225</td>
<td>Amends § 20.20.110(2), final subdivision map certificates (20.20)</td>
</tr>
<tr>
<td>NS-226</td>
<td>Void</td>
</tr>
<tr>
<td>NS-227</td>
<td>Approves SP-207</td>
</tr>
<tr>
<td>NS-228</td>
<td>Rezone (ZC 02-2)</td>
</tr>
<tr>
<td>NS-229</td>
<td>Adds Ch. 3.34, securities and retentions (3.34)</td>
</tr>
<tr>
<td>NS-230</td>
<td>Amends §§ 8.50.080(b) and (c), false alarms (8.50)</td>
</tr>
<tr>
<td>NS-231</td>
<td>Amends § 10.40.073, parking (10.40)</td>
</tr>
<tr>
<td>NS-232</td>
<td>Adds § 21.85, inclusionary housing (Repealed by NS-535)</td>
</tr>
<tr>
<td>NS-233</td>
<td>Adds § 21.86, residential density bonus or in-lieu incentives (21.86)</td>
</tr>
<tr>
<td>NS-234</td>
<td>Adds § 21.18.045(i) and (j); amends § 21.18.045(d)(i), zoning (Repealed by NS-274)</td>
</tr>
<tr>
<td>NS-235</td>
<td>Repeals and replaces Ch. 2.40, housing commission (Repealed by NS-467)</td>
</tr>
<tr>
<td>NS-236</td>
<td>Adds Ch. 6.17, urinating or defecating in public (6.17)</td>
</tr>
<tr>
<td>NS-237</td>
<td>Approves ZC 92-01, beach area overlay zone</td>
</tr>
<tr>
<td>NS-238</td>
<td>Amends § 10.40.010, parking (10.40)</td>
</tr>
<tr>
<td>NS-239</td>
<td>Amends § 10.44.280, speed limits (10.44)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
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<tr>
<td>------------------</td>
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<tr>
<td>NS-241</td>
<td>Adds Ch. 8.54, picketing (8.54)</td>
</tr>
<tr>
<td>NS-242</td>
<td>Amends §§ 2.40.020, 2.40.030 and 2.40.050, housing commission (Repealed by NS-467)</td>
</tr>
<tr>
<td>NS-244</td>
<td>Amends § 7.08.010, rabies, animal control and regulations (7.08)</td>
</tr>
<tr>
<td>NS-245</td>
<td>Approves Aviara affordable housing development agreement</td>
</tr>
<tr>
<td>NS-246</td>
<td>Adds § 10.58.050; renumbers § 10.32.035 to be § 10.58.040, skateboarding (Repealed by CS-139)</td>
</tr>
<tr>
<td>NS-247</td>
<td>Approves MP-139(E)</td>
</tr>
<tr>
<td>NS-248</td>
<td>Amends § 10.42.010(b) and (c), parking violation enforcement (10.42)</td>
</tr>
<tr>
<td>NS-249</td>
<td>Amends § 18.40.080, dedication and improvements (18.40)</td>
</tr>
<tr>
<td>NS-250</td>
<td>Amends § 8.32.050, peddlers, solicitors, vendors and canvassers (8.32)</td>
</tr>
<tr>
<td>NS-251</td>
<td>Amends § 10.44.030, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-252</td>
<td>Adds § 10.44.440, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-253</td>
<td>Amends §§ 21.41.050 and 21.41.070(4)(E), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-254</td>
<td>Requires recovery of criminal justice administration fees</td>
</tr>
<tr>
<td>NS-255</td>
<td>Approves MP-150(G)</td>
</tr>
<tr>
<td>NS-256</td>
<td>Amends § 2.04.030, vacancies on city council (2.04)</td>
</tr>
<tr>
<td>NS-257</td>
<td>Adopts SP-203</td>
</tr>
<tr>
<td>NS-258</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-259</td>
<td>Void</td>
</tr>
<tr>
<td>NS-260</td>
<td>Adds §§ 21.41.030(1), (2), (5), (7), (11), (14) and (19) and renumbers remaining subsections, 21.41.050(6) and (7), 21.41.070(11) and (12) and 21.41.077; amends § 18.20.085, zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-261</td>
<td>Adds § 10.40.151, parking (10.40)</td>
</tr>
<tr>
<td>NS-262</td>
<td>Urgency ordinance setting limits on rent increases in mobilehome parks</td>
</tr>
<tr>
<td>NS-263</td>
<td>Sets limits on rent increases in mobilehome parks</td>
</tr>
<tr>
<td>NS-264</td>
<td>Rezone (ZC 93-02)</td>
</tr>
<tr>
<td>NS-265</td>
<td>Adds § 10.40.082, parking (10.40)</td>
</tr>
<tr>
<td>NS-266</td>
<td>Approves MP-175(D)</td>
</tr>
<tr>
<td>NS-267</td>
<td>Amends § 10.44.300; repeals § 10.44.180, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-268</td>
<td>Amends §§ 5.28.040(a) and 5.28.050(a), cable television (Repealed by NS-891)</td>
</tr>
<tr>
<td>NS-269</td>
<td>Adopts MP-177(G)</td>
</tr>
<tr>
<td>NS-270</td>
<td>Amends § 10.40.072, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-271</td>
<td>Amends § 2.26.020, design review board (2.26)</td>
</tr>
<tr>
<td>NS-272</td>
<td>Adopts MP 92-1</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
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<tr>
<td>NS-273</td>
<td>Adds § 11.36.020(h); amends §§ 11.36.020(c) and 11.36.070; repeals § 11.36.020(e) and (h) and renumbers subsections (f), (g) and (i) to be (e), (f) and (g), newsracks (11.36)</td>
</tr>
<tr>
<td>NS-275</td>
<td>Amends § 1.20.550, city council (1.20)</td>
</tr>
<tr>
<td>NS-276</td>
<td>Adds § 10.44.450, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-277</td>
<td>Amends § 10.44.300, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-278</td>
<td>Rezone (ZC 93-6)</td>
</tr>
<tr>
<td>NS-279</td>
<td>Repeals and replaces Chs. 18.06, 18.17, 18.18 and 18.19, building codes and regulations (18.06, 18.17, 18.18 and 18.19)</td>
</tr>
<tr>
<td>NS-280</td>
<td>Adds § 10.44.470, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-281</td>
<td>Adds § 10.44.460, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-284</td>
<td>Adds § 21.04.093; amends §§ 21.04.115 and 21.42.010(10), zoning (21.04)</td>
</tr>
<tr>
<td>NS-285</td>
<td>Adds § 10.40.483, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-287</td>
<td>Amends §§ 21.41.110—21.41.160, zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-288</td>
<td>Amends §§ 21.44.020, 21.44.050 and 21.45.090, zoning (21.45)</td>
</tr>
<tr>
<td>NS-289</td>
<td>Adds Ch. 20.52, acceptance of city streets and roads into city system (Repealed by NS-422)</td>
</tr>
<tr>
<td>NS-290</td>
<td>Adds § 8.28.055, motor vehicles (8.28)</td>
</tr>
<tr>
<td>NS-292</td>
<td>Amends Ch. 11.24, Agua Hedionda Lagoon (11.24)</td>
</tr>
<tr>
<td>NS-293</td>
<td>Adds Title 15, drainage ordinance; amends § 20.08.130, subdivisions; repeals Ch. 20.09 (15.08, 20.08)</td>
</tr>
<tr>
<td>NS-294</td>
<td>Amends §§ 24.43.020 and 24.43.040, zoning (Repealed by CS-063)</td>
</tr>
<tr>
<td>NS-295</td>
<td>Adds § 10.44.480, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-296</td>
<td>Amends §§ 21.41.050(7) and 21.41.077(d)(3), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-297</td>
<td>Adds § 11.24.137, Agua Hedionda Lagoon (11.24)</td>
</tr>
<tr>
<td>NS-298</td>
<td>Amends § 10.44.170, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-299</td>
<td>Amends subsection (f) of § 21.41.076, zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-300</td>
<td>Amends Village Redevelopment Plan</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
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<tr>
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<tr>
<td>NS-301</td>
<td>Establishes Carlsbad Industrial Development Authority</td>
</tr>
<tr>
<td>NS-302</td>
<td>Adds subsection (b)(9) to § 21.70.080; amends §§ 21.70.005, 21.70.010, 21.70.020, 21.70.030, 21.70.040, 21.70.050, 21.70.060, 21.70.080(b)(7), 21.70.090, 21.70.100 and 21.70.140(b) and (c), zoning (21.70)</td>
</tr>
<tr>
<td>NS-303</td>
<td>Adds § 18.07.040; amends § 18.07.030, unreinforced masonry buildings (18.07)</td>
</tr>
<tr>
<td>NS-304</td>
<td>Amends § 10.40.076, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-306</td>
<td>Amends § 10.44.280, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-307</td>
<td>Adds subsection (c)(2)(A) to § 21.44.020, zoning (Repealed by NS-834)</td>
</tr>
<tr>
<td>NS-308</td>
<td>Amends § 10.44.190, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-309</td>
<td>Amends § 10.44.110, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-310</td>
<td>Amends §§ 3.29.030 and 3.29.040, disposal of surplus city property (3.29)</td>
</tr>
<tr>
<td>NS-311</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-312</td>
<td>Amends § 2.08.020, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-313</td>
<td>Adds §§ 3.32.025, 3.32.026, 3.32.027 and 3.32.028, claims and demands (3.32)</td>
</tr>
<tr>
<td>NS-314</td>
<td>Amends §§ 8.54.010 and 8.54.020, picketing (8.54)</td>
</tr>
<tr>
<td>NS-315</td>
<td>Approves SP-19(G)</td>
</tr>
<tr>
<td>NS-316</td>
<td>Adds § 10.40.084, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-317</td>
<td>Amends Ord. NS-315, SP-19(G)</td>
</tr>
<tr>
<td>NS-318</td>
<td>Adds § 10.44.490, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-319</td>
<td>Amends MP-177(O)</td>
</tr>
<tr>
<td>NS-320</td>
<td>Amends § 10.40.015(a), signs in windows of parked vehicles</td>
</tr>
<tr>
<td>NS-321</td>
<td>Amends title of Ch. 21.105, zoning (21.105)</td>
</tr>
<tr>
<td>NS-323</td>
<td>Adds §§ 11.36.020(h) and (i), 11.36.040(e)(11), 11.36.061 and 11.36.062; amends §§ 11.36.040(a), (c) and (f), 11.36.050(b), (c), (d), (e)(1), (e)(6), (e)(7) and (e)(8), 11.36.060 and 11.36.080; repeals § 11.36.060(d) and reletters succeeding subsections; repeals and replaces § 11.36.030; repeals § 11.36.040(g), locations and standards for newsracks on public rights-of-way (11.36)</td>
</tr>
<tr>
<td>NS-324</td>
<td>Amends §§ 5.04.020, 5.04.060 and 5.08.010(c), business license regulations for coin-operated machines and newsracks (5.04, 5.08)</td>
</tr>
<tr>
<td>NS-325</td>
<td>Adds § 10.44.500, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-326</td>
<td>Rezone (ZC 95-1)</td>
</tr>
<tr>
<td>NS-327</td>
<td>Amends § 1.16.010(c), time limits for judicial review (1.16)</td>
</tr>
<tr>
<td>NS-328</td>
<td>Amends § 20.48.020, subdivisions (20.48)</td>
</tr>
<tr>
<td>NS-329</td>
<td>Void</td>
</tr>
<tr>
<td>NS-330</td>
<td>Amends §§ 2.24.080, 2.26.020, 2.26.050 and 21.41.010(a); repeals and replaces Chs. 21.35 and 21.81, zoning (2.24, 2.26)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-331</td>
<td>Amends § 10.44.340, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-332</td>
<td>Repeals and replaces Ch. 17.04, fire prevention code (Repealed by NS-494)</td>
</tr>
<tr>
<td>NS-333</td>
<td>Repeals and replaces Ch. 18.04, building code (Repealed by CS-127)</td>
</tr>
<tr>
<td>NS-334</td>
<td>Amends §§ 18.16.010, 18.16.070, 18.16.120 and 18.16.130, plumbing code (18.16)</td>
</tr>
<tr>
<td>NS-335</td>
<td>Amends § 18.08.010, mechanical code (Repealed by CS-037)</td>
</tr>
<tr>
<td>NS-336</td>
<td>Amends § 18.12.010, electrical code (18.12)</td>
</tr>
<tr>
<td>NS-337</td>
<td>Amends § 21.41.076(e), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-338</td>
<td>Adds § 10.44.510, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-339</td>
<td>Repeals and replaces § 10.58.020; repeals § 10.58.030, skateboarding (10.58)</td>
</tr>
<tr>
<td>NS-340</td>
<td>Amends § 21.35.020, zoning (21.35)</td>
</tr>
<tr>
<td>NS-341</td>
<td>Approves MP-177(P)</td>
</tr>
<tr>
<td>NS-342</td>
<td>Amends § 3.32.026, claims and demands (3.32)</td>
</tr>
<tr>
<td>NS-343</td>
<td>Rezone (ZC 94-2)</td>
</tr>
<tr>
<td>NS-344</td>
<td>Approves SP-207(A)</td>
</tr>
<tr>
<td>NS-345</td>
<td>Amends SP-144(G)</td>
</tr>
<tr>
<td>NS-346</td>
<td>Approves development agreement with Lego</td>
</tr>
<tr>
<td>NS-347</td>
<td>Adopts MP-177(L)</td>
</tr>
<tr>
<td>NS-348</td>
<td>Approves MP-92-1, Green Valley Master Plan</td>
</tr>
<tr>
<td>NS-349</td>
<td>Approves SP-203(a) for Costa Do Sol</td>
</tr>
<tr>
<td>NS-350</td>
<td>Rezone (ZC 94-4)</td>
</tr>
<tr>
<td>NS-351</td>
<td>Amends §§ 3.28.060, 3.28.070, 3.28.080, 3.28.110, 3.28.120, 3.28.130, 3.28.140, 3.28.150, 3.28.172, 3.28.180 and 3.28.190, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-353</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-354</td>
<td>Rezone (ZC 93-4)</td>
</tr>
<tr>
<td>NS-356</td>
<td>Void</td>
</tr>
<tr>
<td>NS-357</td>
<td>Amends § 10.44.320, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-358</td>
<td>Amends § 10.40.015(b), parking on roadway (10.40)</td>
</tr>
<tr>
<td>NS-359</td>
<td>Amends § 10.44.060, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-360</td>
<td>Amends §§ 21.70.080(b)(1) and 21.70.090, zoning (Repealed by CS-178)</td>
</tr>
<tr>
<td>NS-361</td>
<td>Amends § 2.04.010, compensation of city council members (2.04)</td>
</tr>
<tr>
<td>NS-362</td>
<td>Amends § 10.44.030, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-363</td>
<td>Amends § 21.41.076(f), zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-364</td>
<td>Adds § 19.04.060(h), environmental protection procedures (Repealed by NS-593)</td>
</tr>
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<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-366</td>
<td>Amends MP-177(Q)</td>
</tr>
<tr>
<td>NS-367</td>
<td>Amends MP-175(G)</td>
</tr>
<tr>
<td>NS-368</td>
<td>Amends § 10.44.070, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-369</td>
<td>Amends Ch. 8.09, cabaret dances (Repealed by NS-859)</td>
</tr>
<tr>
<td>NS-370</td>
<td>Amends § 1.08.020(a), penalty (1.08)</td>
</tr>
<tr>
<td>NS-371</td>
<td>Amends § 21.35.020, zoning (Repealed by CS-037)</td>
</tr>
<tr>
<td>NS-372</td>
<td>Void</td>
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<td>NS-373</td>
<td>Void</td>
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<td>NS-374</td>
<td>Void</td>
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<td>NS-375</td>
<td>Void</td>
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<tr>
<td>NS-376</td>
<td>Void</td>
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<tr>
<td>NS-377</td>
<td>Amends Green Valley Master Plan</td>
</tr>
<tr>
<td>NS-378</td>
<td>Amends § 21.42.010(15)(A)(i), (B) and (C), zoning (Repealed by NS-791)</td>
</tr>
<tr>
<td>NS-379</td>
<td>Amends § 21.41.070(11) [21.41.070(12)], zoning (Repealed by NS-606)</td>
</tr>
<tr>
<td>NS-380</td>
<td>Void</td>
</tr>
<tr>
<td>NS-381</td>
<td>Amends § 7.08.010, rabies, animal control and regulation (7.08)</td>
</tr>
<tr>
<td>NS-382</td>
<td>Adds Ch. 11.40, bridges (11.40)</td>
</tr>
<tr>
<td>NS-383</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-384</td>
<td>Amends § 18.12.010, electrical code (18.12)</td>
</tr>
<tr>
<td>NS-385</td>
<td>Adds Ch. 15.16; amends §§ 1.08.020(a), 15.04.010 and 19.04.020(a); repeals Ch. 11.06, grading and erosion control (1.08, 15.16)</td>
</tr>
<tr>
<td>NS-386</td>
<td>Repeals and replaces Ch. 11.16, permits for work or encroachments in public places (11.16)</td>
</tr>
<tr>
<td>NS-387</td>
<td>Amends Ch. 18.28, swimming pool enclosures and use (Repealed by CS-245)</td>
</tr>
<tr>
<td>NS-388</td>
<td>Adds Ch. 5.17, escort services (5.17)</td>
</tr>
<tr>
<td>NS-389</td>
<td>Amends § 5.04.020, licensing businesses generally (5.04)</td>
</tr>
<tr>
<td>NS-390</td>
<td>Amends § 21.48.080, rebuilding homes destroyed by fire (Repealed by CS-050)</td>
</tr>
<tr>
<td>NS-391</td>
<td>Amends subsections (e), (f), (g), (h) and (i) of § 11.08.090, underground utility districts (11.08)</td>
</tr>
<tr>
<td>NS-392</td>
<td>Rezone (ZC 96-4)</td>
</tr>
<tr>
<td>NS-393</td>
<td>Rezone (ZC 93-04(A))</td>
</tr>
<tr>
<td>NS-394</td>
<td>Adds Ch. 15.12; amends § 1.08.010(a), storm water management and discharge control (1.08)</td>
</tr>
<tr>
<td>NS-395</td>
<td>Adds § 10.24.021, one-way streets and alleys (10.24)</td>
</tr>
<tr>
<td>NS-396</td>
<td>Void</td>
</tr>
<tr>
<td>NS-397</td>
<td>Void</td>
</tr>
<tr>
<td>NS-398</td>
<td>Amends § 18.04.230, building code (Repealed by CS-127)</td>
</tr>
<tr>
<td>NS-399</td>
<td>Adds § 10.58.015, skateboarding (10.58)</td>
</tr>
<tr>
<td>NS-400</td>
<td>Void</td>
</tr>
<tr>
<td>NS-401</td>
<td>Amends § 10.40.041, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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<tr>
<td>NS-403</td>
<td>Adds § 10.44.520, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-404</td>
<td>Amends § 10.44.510, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-405</td>
<td>Adds § 10.44.530, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-406</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-407</td>
<td>Rezone (ZC-96-5)</td>
</tr>
<tr>
<td>NS-408</td>
<td>Amends § 10.44.280, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-410</td>
<td>Amends § 10.44.080, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-411</td>
<td>Amends MP-177(R)</td>
</tr>
<tr>
<td>NS-412</td>
<td>Amends MP-177(S)</td>
</tr>
<tr>
<td>NS-413</td>
<td>Adds subsection (d) to § 3.28.170; amends §§ 3.28.090(2), 3.28.120, 3.28.130(a), 3.28.170(a) and (c) and 3.28.172; repeals § 3.28.180, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-414</td>
<td>Amends MP-177(S)</td>
</tr>
<tr>
<td>NS-415</td>
<td>Amends Ch. 8.04, parental responsibility law (8.04)</td>
</tr>
<tr>
<td>NS-416</td>
<td>Amends Ch. 8.04, parental responsibility law (8.04)</td>
</tr>
<tr>
<td>NS-417</td>
<td>Amends § 10.40.076, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-418</td>
<td>Urgency ordinance requiring Council review of commercial projects close to Legoland development</td>
</tr>
<tr>
<td>NS-419</td>
<td>Amends § 10.44.520, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-421</td>
<td>Amends Table 13.10.020(c)(7), sewer impact fees (13.10)</td>
</tr>
<tr>
<td>NS-422</td>
<td>Adds § 11.04.050, streets and sidewalks; amends §§ 20.12.110, 20.12.120(c) and (d) and 20.24.180, subdivisions; repeals Ch. 20.52 (11.04, 20.12, 20.24)</td>
</tr>
<tr>
<td>NS-423</td>
<td>Amends Table 13.10.020(c)(7), sewer impact fees (13.10)</td>
</tr>
<tr>
<td>NS-424</td>
<td>Extends urgency Ord. NS-418</td>
</tr>
<tr>
<td>NS-425</td>
<td>Approves MP-139(F)</td>
</tr>
<tr>
<td>NS-426</td>
<td>Amends Ch. 6.16 in its entirety, nuisances (6.16)</td>
</tr>
<tr>
<td>NS-427</td>
<td>Repeals and replaces Ch. 6.08, solid waste; repeals Ch. 6.09 (Repealed by CS-183)</td>
</tr>
<tr>
<td>NS-428</td>
<td>Adds § 10.44.540, speed limits (Repealed by CS-183)</td>
</tr>
<tr>
<td>NS-429</td>
<td>Amends § 10.44.380, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-430</td>
<td>Amends Ch. 5.16 in its entirety, massage businesses (Repealed by CS-234)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>NS-431</td>
<td>Adds § 10.40.127, parking (10.40)</td>
</tr>
<tr>
<td>NS-432</td>
<td>Adds § 10.58.025, skateboarding (10.58)</td>
</tr>
<tr>
<td>NS-433</td>
<td>Adds Ch. 2.42; amends Chs. 22.02, 22.06 and 22.08 in their entireties; repeals Chs. 22.04 and 22.10, historic preservation (2.42, 22.02, 22.06, 22.08)</td>
</tr>
<tr>
<td>NS-434</td>
<td>Amends § 2.08.030, city clerk compensation (2.08)</td>
</tr>
<tr>
<td>NS-435</td>
<td>Amends § 10.44.320, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-436</td>
<td>Amends § 10.44.250, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-437</td>
<td>Approves SP-23(G)</td>
</tr>
<tr>
<td>NS-438</td>
<td>Amends § 18.04.040, building permit fees (Repealed by NS-476)</td>
</tr>
<tr>
<td>NS-440</td>
<td>Approves MP-177(U)</td>
</tr>
<tr>
<td>NS-441</td>
<td>Approves SP-210 and ZC-95-6</td>
</tr>
<tr>
<td>NS-442</td>
<td>Amends § 2.04.010, city council compensation (2.04)</td>
</tr>
<tr>
<td>NS-443</td>
<td>Adds § 10.44.550, speed limits (10.44)</td>
</tr>
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<td>NS-444</td>
<td>Void</td>
</tr>
<tr>
<td>NS-445</td>
<td>Approves MP-177(Y)</td>
</tr>
<tr>
<td>NS-446</td>
<td>Repeals and replaces Ch. 21.95, hillside development regulations; amends § 21.53.230(b), zoning (21.53, 21.95)</td>
</tr>
<tr>
<td>NS-447</td>
<td>Adds § 10.44.560, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-448</td>
<td>Amends §§ 1.12.010 and 1.12.020, elections (1.12)</td>
</tr>
<tr>
<td>NS-449</td>
<td>Void</td>
</tr>
<tr>
<td>NS-450</td>
<td>Rezone (ZC 97-1)</td>
</tr>
<tr>
<td>NS-451</td>
<td>Adds § 10.44.570, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-452</td>
<td>Amends §§ 8.17.040 and 8.17.160, special event permit (Repealed by NS-811)</td>
</tr>
<tr>
<td>NS-453</td>
<td>Amends MP-177</td>
</tr>
<tr>
<td>NS-454</td>
<td>Extends Ord. NS-424</td>
</tr>
<tr>
<td>NS-455</td>
<td>Rezone (ZC 97-2)</td>
</tr>
<tr>
<td>NS-456</td>
<td>Rezone (ZC 97-08)</td>
</tr>
<tr>
<td>NS-457</td>
<td>Adds § 10.44.580, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-458</td>
<td>Approves SP-181(B)</td>
</tr>
<tr>
<td>NS-459</td>
<td>Approves SP-190(B) and ZC 96-1</td>
</tr>
<tr>
<td>NS-460</td>
<td>Amends SP-210(A)</td>
</tr>
<tr>
<td>NS-461</td>
<td>Amends § 10.40.076, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-462</td>
<td>Amends § 10.44.520, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-463</td>
<td>Amends MP-177(AA)</td>
</tr>
<tr>
<td>NS-464</td>
<td>Amends § 10.44.240, speed restrictions (Repealed by NS-465)</td>
</tr>
<tr>
<td>NS-465</td>
<td>Amends § 10.44.240; repeals Ord. NS-464, speed restrictions (10.44)</td>
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<td>NS-466</td>
<td>Void</td>
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<tr>
<td>NS-467</td>
<td>Repeals and replaces Ch. 2.40, housing commission (2.40)</td>
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<td>Ordinance Number</td>
<td>Disposition</td>
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<td>------------------</td>
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<tr>
<td>NS-468</td>
<td>Amends §§ 15.12.020(D), (G)(4) and (K), 15.12.050(A) and (B), 15.12.090 and 15.12.190, storm water management and discharge control (Repealed by NS-880)</td>
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<tr>
<td>NS-469</td>
<td>Rezone (ZC 97-06)</td>
</tr>
<tr>
<td>NS-470</td>
<td>Amends MP-177(W)</td>
</tr>
<tr>
<td>NS-471</td>
<td>Adds Ch. 10.33, oversize vehicle or load permit (10.33)</td>
</tr>
<tr>
<td>NS-472</td>
<td>Adds § 10.28.430, special stops (10.28)</td>
</tr>
<tr>
<td>NS-473</td>
<td>Adopts moratorium prohibiting approval of any building permit or other development permits or approvals in local facilities management zones 5, 10, 15, 16, 17, 18, 20, and 21</td>
</tr>
<tr>
<td>NS-474</td>
<td>Master Plan amendment MP-177(X)</td>
</tr>
<tr>
<td>NS-475</td>
<td>Adds §§ 10.58.030 and 10.58.060; amends §§ 10.58.010, 10.58.015, 10.58.020, 10.58.025 and 10.58.040, skateboarding (Repealed by CS-139)</td>
</tr>
<tr>
<td>NS-476</td>
<td>Amends § 18.04.010; repeals and replaces §§ 18.04.030 and 18.04.040, building code (Repealed by CS-127)</td>
</tr>
<tr>
<td>NS-477</td>
<td>Amends § 18.06.010, uniform housing code (18.06)</td>
</tr>
<tr>
<td>NS-478</td>
<td>Amends § 18.16.010, uniform plumbing code (18.16)</td>
</tr>
<tr>
<td>NS-479</td>
<td>Amends § 18.08.010, uniform mechanical code (Repealed by CS-128)</td>
</tr>
<tr>
<td>NS-480</td>
<td>Repeals and replaces Ch. 10.58, skateboarding (Repealed by CS-139)</td>
</tr>
<tr>
<td>NS-481</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-482</td>
<td>Rezone (ZC 97-07)</td>
</tr>
<tr>
<td>NS-483</td>
<td>Repeals § 21.38.160, zoning (Repealer)</td>
</tr>
<tr>
<td>NS-484</td>
<td>Repeals Kelly Ranch Master Plan and Ord. 9735 (Repealer)</td>
</tr>
<tr>
<td>NS-485</td>
<td>Adds Ch. 21.208, commercial/visitor-serving overlay zone (21.208)</td>
</tr>
<tr>
<td>NS-486</td>
<td>Adds subsection (b)(4) to § 10.40.041, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-487</td>
<td>Specific plan amendment SP 23(H)</td>
</tr>
<tr>
<td>NS-488</td>
<td>Specific plan amendment SP 207(D)</td>
</tr>
<tr>
<td>NS-489</td>
<td>Adds § 10.28.440, special stops (10.28)</td>
</tr>
<tr>
<td>NS-490</td>
<td>Adds § 10.28.450, special stops (10.28)</td>
</tr>
<tr>
<td>NS-491</td>
<td>Extends moratorium imposed by Ord. NS-473 (Repealed by NS-537)</td>
</tr>
<tr>
<td>NS-493</td>
<td>Adds § 10.44.590, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-494</td>
<td>Repeals and replaces Ch. 17.04, fire prevention code (Repealed by NS-637)</td>
</tr>
<tr>
<td>NS-495</td>
<td>Amends §§ 3.28.090 and 3.28.172, purchasing (Repealed by CS-002)</td>
</tr>
<tr>
<td>NS-496</td>
<td>Adds § 10.28.460, special stops (10.28)</td>
</tr>
<tr>
<td>NS-497</td>
<td>Adds § 10.28.470, special stops (10.28)</td>
</tr>
<tr>
<td>NS-498</td>
<td>Rezone (ZC 98-1 I/LCPA 98-08)</td>
</tr>
<tr>
<td>NS-499</td>
<td>Adds § 8.28.070, motor vehicles (Repealed by NS-552)</td>
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<tr>
<td>NS-500</td>
<td>Adds §§ 10.28.480, 10.28.490, 10.28.500, 10.28.510 and 10.28.520, special stops (10.28)</td>
</tr>
<tr>
<td>NS-501</td>
<td>Adds §§ 10.28.530, 10.28.540 and 10.28.550, special stops (10.28)</td>
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<tr>
<td>NS-502</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-503</td>
<td>Adds § 10.44.610, speed limits (10.44)</td>
</tr>
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</table>

ORD-47
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS-504</td>
<td>Adds § 10.44.600, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-505</td>
<td>Amends § 21.208.040, zoning (21.208)</td>
</tr>
<tr>
<td>NS-507</td>
<td>Void</td>
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<tr>
<td>NS-508</td>
<td>Adds § 10.28.560, special stops (10.28)</td>
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<tr>
<td>NS-510</td>
<td>Amends § 2.08.040, officers and employees (2.08)</td>
</tr>
<tr>
<td>NS-511</td>
<td>Amends § 10.44.070, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-512</td>
<td>Amends § 10.44.340, speed restrictions (10.44)</td>
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<tr>
<td>NS-513</td>
<td>Adds § 10.44.620, speed restrictions (10.44)</td>
</tr>
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<td>NS-514</td>
<td>Void</td>
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<tr>
<td>NS-515</td>
<td>Void</td>
</tr>
<tr>
<td>NS-516</td>
<td>Prohibits issuance of building and grading permits in subdivisions from El Camino Real West to the ocean between Agua Hedionda and Buena Vista Lagoons pending recommendations of the citizens committee to study sidewalk and street improvement standards (Repealed by NS-556)</td>
</tr>
<tr>
<td>NS-517</td>
<td>Rezone (ZC 98-09)</td>
</tr>
<tr>
<td>NS-518</td>
<td>Adds [amends] § 18.04.040 [18.40.040], building code (Repealed by CS-127)</td>
</tr>
<tr>
<td>NS-519</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-520</td>
<td>Amends Master Plan MP-177(CC)</td>
</tr>
<tr>
<td>NS-521</td>
<td>Tabled</td>
</tr>
<tr>
<td>NS-522</td>
<td>Adds § 10.44.630, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-523</td>
<td>Amends § 10.44.360, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-525</td>
<td>Adds §§ 10.40.155—10.40.165; amends §§ 10.40.082 and 10.40.084, stopping, standing and parking (10.40)</td>
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<tr>
<td>NS-526</td>
<td>Prohibits issuance of sign permits for, and/or placement of, large freestanding signs</td>
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<tr>
<td>NS-527</td>
<td>Extends Ord. NS-516 (Repealed by NS-556)</td>
</tr>
<tr>
<td>NS-528</td>
<td>Amends § 2.04.010, city council (2.04)</td>
</tr>
<tr>
<td>NS-529</td>
<td>Amends § 2.04.030, city council (2.04)</td>
</tr>
<tr>
<td>NS-530</td>
<td>Extends Ord. NS-526</td>
</tr>
<tr>
<td>NS-531</td>
<td>Amends §§ 18.17.010, 18.18.010 and 18.19.010, uniform codes (18.17, 18.18, 18.19)</td>
</tr>
<tr>
<td>NS-532</td>
<td>Amends § 21.04.045, zoning (21.04)</td>
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<tr>
<td>NS-533</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<tr>
<td>NS-534</td>
<td>Amends §§ 1.20.010, 10.24.020, 10.28.070, 10.28.080, 10.28.100, 10.28.220, 10.28.260, 10.32.091, 10.40.043, 10.40.051, 10.40.053, 10.40.054, 10.40.056, 10.40.059, 10.40.080, 10.40.120, 10.40.125, 10.40.126, 10.40.130 and 10.44.150, vehicles and traffic (1.20, 10.24, 10.28, 10.32, 10.40, 10.44)</td>
</tr>
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</table>

ORD-48
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
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<tbody>
<tr>
<td>NS-535</td>
<td>Repeals and replaces Ch. 21.85, inclusionary housing (21.85)</td>
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<tr>
<td>NS-536</td>
<td>Void</td>
</tr>
<tr>
<td>NS-537</td>
<td>Repeals Ord. NS-491 (Repealer)</td>
</tr>
<tr>
<td>NS-538</td>
<td>Adds § 10.42.020, parking violation enforcement (10.42)</td>
</tr>
<tr>
<td>NS-539</td>
<td>Amends § 10.40.127, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-540</td>
<td>Amends § 10.28.570, special stops (10.28)</td>
</tr>
<tr>
<td>NS-541</td>
<td>Adds § 10.28.580, special stops (Repealed by CS-179)</td>
</tr>
<tr>
<td>NS-542</td>
<td>Amends Ch. 8.36, camping on public property (8.36)</td>
</tr>
<tr>
<td>NS-543</td>
<td>Adds § 10.40.041(b)(5), restricted parking (10.40)</td>
</tr>
<tr>
<td>NS-544</td>
<td>Adds § 10.12.070, enforcement of California Vehicle Code (10.12)</td>
</tr>
<tr>
<td>NS-545</td>
<td>Repeals and replaces Ch. 11.12, trees and shrubs (11.12)</td>
</tr>
<tr>
<td>NS-546</td>
<td>Void</td>
</tr>
<tr>
<td>NS-547</td>
<td>Adds § 2.36.075; amends § 2.36.070, duties and powers of the parks and recreation commission (2.36)</td>
</tr>
<tr>
<td>NS-548</td>
<td>Adds § 10.44.640, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-549</td>
<td>Adds §§ 5.04.025 and 5.04.150, business licenses and regulations (5.04)</td>
</tr>
<tr>
<td>NS-550</td>
<td>Adds § 10.44.650, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-551</td>
<td>Adopts infrastructure financing plan and creates Infrastructure Financing District</td>
</tr>
<tr>
<td>NS-552</td>
<td>Repeals and replaces § 8.28.050; repeals §§ 8.28.060 and 8.28.070, soliciting to persons in vehicles (8.28)</td>
</tr>
<tr>
<td>NS-553</td>
<td>Approves redevelopment plan</td>
</tr>
<tr>
<td>NS-554</td>
<td>Amends § 10.44.160, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-555</td>
<td>Amends §§ 18.40.010—18.40.040, 18.40.070 and 18.40.090; repeals § 18.40.130, building codes and regulations (18.40)</td>
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<tr>
<td>NS-556</td>
<td>Repeals Ord. Nos. NS-516 and NS-527 (Repealer)</td>
</tr>
<tr>
<td>NS-557</td>
<td>Amends § 11.32.030, parks and beaches (11.32)</td>
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<td>NS-558</td>
<td>Repeals and replaces Ch. 6.02, county code—health and sanitation (6.02)</td>
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<td>NS-559</td>
<td>Adds §§ 18.04.315, 18.08.040, 18.12.227, 18.16.225 [18.16.125], building codes and regulations (18.04, 18.08, 18.12, 18.16)</td>
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<tr>
<td>NS-561</td>
<td>Repeals Ch. 5.40 (Repealer)</td>
</tr>
<tr>
<td>NS-563</td>
<td>Amends § 2.04.050, city council (2.04)</td>
</tr>
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<td>NS-564</td>
<td>Amends § 10.44.380, speed restrictions (10.44)</td>
</tr>
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<td>NS-565</td>
<td>Adds §§ 21.12.010(8) and (9); amends §§ 21.83.050(E) and 21.83.060(A)(2), zoning (21.12, 21.83)</td>
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<td>NS-566</td>
<td>Adds § 10.44.660, speed restrictions (10.44)</td>
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<tr>
<td>NS-567</td>
<td>Adds §§ 10.28.590 and 10.28.600, special stops (10.28)</td>
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<td>NS-568</td>
<td>Amends § 10.28.440, special stops (10.28)</td>
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<tr>
<td>NS-569</td>
<td>Adds §§ 18.20.025(5), 21.41.005, 21.41.010(c), 21.41.030(5), (8), (9), (11), (16), (17), (20) and (26)(27), 21.41.065, 21.41.070(11)(F) and (13); amends § 21.41.030(11) and renum-</td>
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<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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<tr>
<td>NS-570</td>
<td>Amends Specific Plan 180(B) (SP 180(E))</td>
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<tr>
<td>NS-571</td>
<td>Amends Specific Plan 180(B) (SP 181(C))</td>
</tr>
<tr>
<td>NS-572</td>
<td>Amends Specific Plan 199 (SP 199(A))</td>
</tr>
<tr>
<td>NS-573</td>
<td>Amends Specific Plan 200 (SP 200(A))</td>
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<td>NS-574</td>
<td>Adds § 2.40.080, relocation appeals board (2.40)</td>
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<td>NS-575</td>
<td>Amends § 1.14.030, conflict of interest (1.14)</td>
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<td>NS-576</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
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<td>NS-577</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<tr>
<td>NS-578</td>
<td>Amends § 10.44.350, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-580</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-581</td>
<td>Amends § 10.44.030, Carlsbad Boulevard speed limits (10.44)</td>
</tr>
<tr>
<td>NS-582</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-583</td>
<td>Amends § 10.44.320, speed limits (10.44)</td>
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<tr>
<td>NS-584</td>
<td>Amends § 10.40.158, parking time limit (10.40)</td>
</tr>
<tr>
<td>NS-585</td>
<td>Amends Carlsbad Research Center Specific Plan (SP 180-E)</td>
</tr>
<tr>
<td>NS-586</td>
<td>Adds § 7.08.020; amends § 7.08.010, rabies and animal control (7.08)</td>
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<td>NS-587</td>
<td>Adds § 8.32.015; repeals and replaces § 8.32.010, ice cream trucks (8.32)</td>
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<td>NS-588</td>
<td>Amends § 20.44.040, standards and formula for dedication of subdivision land (20.44)</td>
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<td>NS-589</td>
<td>Adds § 21.203.040(A)(2), (G) and (H); amends §§ 21.12.040 <a href="A">21.203.040</a>, (A)(1), (B)(4)(e) and [adds] (B)(4)(j); renumbers § 21.83.040 <a href="A">21.203.040</a>(2) to be (A)(3), zoning (21.203)</td>
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<td>NS-590</td>
<td>Amends § 3.30.070, auction procedure (3.30)</td>
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<tr>
<td>NS-591</td>
<td>Adds Ch. 1.10, administrative code enforcement remedies (1.10)</td>
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<td>NS-592</td>
<td>Repeals and replaces § 6.03.010, hazardous materials (6.03)</td>
</tr>
<tr>
<td>NS-593</td>
<td>Repeals and replaces Ch. 19.04, environmental protection procedures (19.04)</td>
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<td>NS-594</td>
<td>Amends § 10.44.210, speed limit (10.44)</td>
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<tr>
<td>NS-595</td>
<td>Adds § 11.24.056, no fishing or anchoring in posted areas (11.24)</td>
</tr>
<tr>
<td>NS-596</td>
<td>Amends § 11.24.056, no fishing or anchoring in posted areas (11.24)</td>
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<tr>
<td>NS-597</td>
<td>Amends §§ 1.20.090 and 1.20.120, replaces references to “vice mayor” with “mayor pro tem” (1.20)</td>
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<td>NS-598</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<td>NS-599</td>
<td>Amends § 10.44.090, speed limit (10.44)</td>
</tr>
<tr>
<td>NS-600</td>
<td>Amends § 2.08.030, city clerk compensation (2.08)</td>
</tr>
<tr>
<td>NS-601</td>
<td>Amends § 2.08.020, city treasurer compensation (2.08)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
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<tr>
<td>NS-603</td>
<td>Amends §§ 11.04.010 and 20.16.040(3) [20.16.040(a)(3)], street improvement regulations (11.04, 20.16)</td>
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<tr>
<td>NS-604</td>
<td>Amends La Costa Master Plan (MP 149(Q))</td>
</tr>
<tr>
<td>NS-605</td>
<td>Approving Villages of La Costa Master Plan (MP 98-01)</td>
</tr>
<tr>
<td>NS-606</td>
<td>Repeals and replaces Ch. 21.41, sign ordinance (Repealed by CS-226)</td>
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<td>NS-607</td>
<td>Repeals Ch. 18.20 (Repealer)</td>
</tr>
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<td>NS-608</td>
<td>Amends § 10.40.015, stopping, standing and parking (10.40)</td>
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<td>NS-609</td>
<td>Amends §§ 10.28.260, 10.28.590 and 10.28.600, special stops (10.28)</td>
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<td>NS-610</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<tr>
<td>NS-611</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
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<td>NS-612</td>
<td>Amends Ch. 21.45, planned developments (Repealed by NS-834)</td>
</tr>
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<td>NS-613</td>
<td>Amends Ch. 3.29, disposal of surplus city property (3.29)</td>
</tr>
<tr>
<td>NS-614</td>
<td>Adds § 10.44.670, speed limit (10.44)</td>
</tr>
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<td>NS-615</td>
<td>Amends § 2.04.010, mayor’s and city council’s compensation (2.04)</td>
</tr>
<tr>
<td>NS-616</td>
<td>Amends the Calavera Hills Master Plan (MP 150(H))</td>
</tr>
<tr>
<td>NS-617</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
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<td>NS-618</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<td>NS-619</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<td>NS-620</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
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<td>NS-621</td>
<td>Amends § 10.44.680, speed restrictions (10.44)</td>
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<tr>
<td>NS-622</td>
<td>Amends §§ 21.203.040(B)(3), (B)(4) and 21.205.060, zoning (21.204, 21.205)</td>
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<td>NS-623</td>
<td>Adds §§ 15.16.040(12) [15.16.040(17)] and (17) [18]; amends §§ 15.16.020(7), 15.16.040(13), 15.16.060(A)(6)(e), (A)(8)(c), (A)(8)(d), (A)(11), 15.16.090(A)(1) and 15.16.120(A)(7)(c), grading and erosion control (15.16)</td>
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<td>NS-625</td>
<td>Adds § 6.08.045; amends §§ 1.08.020, 6.08.010(11) and (18)—(26), 6.08.210, 6.12.030, 6.12.040, 6.12.070, 6.12.080, 6.12.100, 6.16.010 and 10.40.015, storm water protection requirements (1.08, 6.12, 6.16, 10.40)</td>
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<td>NS-626</td>
<td>Amends § 1.20.370, votes (1.20)</td>
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<td>NS-627</td>
<td>Amends Ch. 3.28, purchasing (Repealed by CS-002)</td>
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<td>NS-628</td>
<td>Adds § 10.44.690, speed restrictions (10.44)</td>
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<td>NS-629</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
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<td>NS-632</td>
<td>Adds §§ 10.28.630, 10.28.640 and 10.28.650, special stops (10.28)</td>
</tr>
<tr>
<td>NS-633</td>
<td>Amends § 10.28.090, special stops (10.28)</td>
</tr>
<tr>
<td>NS-634</td>
<td>Rezone (ZC 98-04)</td>
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<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
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<tr>
<td>NS-635</td>
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<tr>
<td>NS-637</td>
<td>Repeals and replaces Ch. 17.04, fire prevention code (Repealed by NS-868)</td>
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<tr>
<td>NS-639</td>
<td>Amends § 18.08.010, mechanical code (Repealed by CS-128)</td>
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<tr>
<td>NS-641</td>
<td>Amends § 18.16.010, plumbing code (18.16)</td>
</tr>
<tr>
<td>NS-642</td>
<td>Adds § 13.10.080, sewer benefit area fees (13.10)</td>
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<td>NS-643</td>
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<tr>
<td>NS-644</td>
<td>Amends § 10.44.290, speed limit (10.44)</td>
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<td>NS-645</td>
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<td>NS-646</td>
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<tr>
<td>NS-647</td>
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<td>NS-648</td>
<td>Amends § 10.44.280, speed limit (10.44)</td>
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<td>NS-649</td>
<td>Amends § 10.44.040, speed limit (10.44)</td>
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<tr>
<td>NS-650</td>
<td>Amends § 10.40.075, parking (10.40)</td>
</tr>
<tr>
<td>NS-651</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
<tr>
<td>NS-652</td>
<td>Amends § 10.44.530, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-653</td>
<td>Amends Villages of La Costa Master Plan (MP 98-01)</td>
</tr>
<tr>
<td>NS-654</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
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<td>NS-655</td>
<td>Void</td>
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<td>NS-656</td>
<td>Adds § 10.44.700, speed limit (10.44)</td>
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<td>NS-657</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
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<td>NS-658</td>
<td>Amends §§ 8.04.010, 8.04.020, 8.04.030, 8.04.040, 8.04.050 and 8.04.060, parental responsibility (8.04)</td>
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<tr>
<td>NS-659</td>
<td>Amends § 1.20.350, city council procedure (1.20)</td>
</tr>
<tr>
<td>NS-660</td>
<td>Amends §§ 17.40.030 [17.04.030], 18.04.260, fire prevention code and building code (17.04)</td>
</tr>
<tr>
<td>NS-666</td>
<td>Amends § 2.08.030, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-667</td>
<td>Amends § 2.08.020, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-668</td>
<td>Adds § 10.28.660, special stops (10.28)</td>
</tr>
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<td>NS-669</td>
<td>Adds § 10.28.670, special stops (10.28)</td>
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<tr>
<td>NS-670</td>
<td>Adds Ch. 8.29, spectators prohibited at illegal speed contests or exhibitions (8.29)</td>
</tr>
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</table>

ORD-52
ORDINANCE LIST
Ordinance
Number
NS-671
NS-672
NS-673
NS-674
NS-675

NS-676

NS-677

Disposition
Amends §§ 1.13.010, 1.13.025 and 1.13.035; repeals § 1.13.030, election campaign disclosure requirements (1.13)
Adds § 10.40.128, stopping, standing and parking (10.40)
Amends § 21.05.030, zoning map (21.05)
Amends § 10.44.380, speed restrictions (10.44)
21.04.065(a)(4), 21.04.099, 21.05.010, 21.05.020(2)(a), 21.06.060—21.06.070, 21.06.130,
21.06.150, 21.07.120, 21.08.040, 21.08.080(b), 21.08.080(d)(1)—21.08.080(d)(2),
21.08.080(d)(10), 21.08.100, 21.09.120(2), 21.09.120(2)(F), 21.09.190, 21.10.040,
21.34.050—21.34.070, 21.34.090, 21.34.110, 21.34.130—21.34.140, 21.35.090(f),
21.42.010, 21.43.080, 21.44.060(7), 21.45.020(D), 21.46.020, 21.46.120, 21.46.130,
21.47.020, 21.47.040, 21.47.050, 21.47.072, 21.47.073, 21.47.110, 21.47.120—21.47.130,
21.52.080, 21.52.100, 21.52.120, 21.54.010, 21.54.100, 21.54.130—21.54.140, 21.55.070,
21.55.170—21.55.190, 21.60.010, 21.60.030, 21.80.010, 21.80.030—21.80.050, 21.80.080,
21.80.120, 21.80.160—21.80.170, 21.81.010, 21.81.055(e), 21.81.080, 21.82.060,
21.83.030(A), 21.83.050(K), 21.83.070(B)—21.83.070(C), 21.110.240(b), 21.201.080(C),
21.201.120; renumbers §§ 21.04.292 to 21.04.293, 21.05.020(5) to 21.05.020(4), 21.06.050
to 21.18.050(2)—21.18.050(9), 21.20.110—21.20.120 to 21.20.100—21.20.110,
21.22.090—21.22.120 to 21.22.080—21.22.100, 21.52.100—21.52.160 to 21.52.090—
21.52.150, 21.201.080(E) to 21.201.080(D); repeals §§ 21.04.108, 21.04.021, 21.05.020(4),
21.06.140, 21.10.080(e), 21.16.070, 21.18.050(2), 21.20.100, 21.22.080, 21.50.110—
21.50.150, 21.52.090, 21.54.010(e), 21.201.080(D), zoning (21.04, 21.05, 21.06, 21.07,
Amends §§ 2.08.050, 2.24.020, 2.24.030, 2.48.030, 5.04.120, 5.09.050, 5.09.110, 5.24.005,
5.24.335, 5.50.040, 6.16.030, 6.16.050, 13.20.020, 13.20.040, 18.05.020, 18.12.030,
22.08.020 and 22.10.020, terminology and appeal procedures (2.08, 2.24, 2.48, 5.04, 5.09,
5.24, 5.50, 6.16, 13.20, 18.05, 18.12, 18.30, 18.32, 18.40, 19.04, 20.08, 20.12, 20.17, 20.20,
20.24, 20.36, 20.48, 22.08)
Adds Ch. 20.22, environmental subdivisions (20.22)

ORD-53


<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS-678</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-679</td>
<td>Amends § 21.05.030 [21.05.030], zoning map (21.05)</td>
</tr>
<tr>
<td>NS-680</td>
<td>Amends § 10.44.080, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-681</td>
<td>Adds § 3.32.029; amends §§ 3.32.025, 3.32.026 and 3.32.028, claims and demands (3.32)</td>
</tr>
<tr>
<td>NS-682</td>
<td>Amends §§ 13.10.030 and 14.16.120, sewer connection fees and meters (13.10)</td>
</tr>
<tr>
<td>NS-683</td>
<td>Not available</td>
</tr>
<tr>
<td>NS-684</td>
<td>Prohibits issuance of permits for the placement of wireless communication facilities in the public right-of-way (Repealed by NS-707)</td>
</tr>
<tr>
<td>NS-685</td>
<td>Adds § 21.70.025, development agreements (Repealed by CS-178)</td>
</tr>
<tr>
<td>NS-686</td>
<td>Adds § 10.28.680, stops on Paseo Aliso (10.28)</td>
</tr>
<tr>
<td>NS-687</td>
<td>Adds § 10.28.690, stops on Camino Robledo (10.28)</td>
</tr>
<tr>
<td>NS-688</td>
<td>Amends the South Carlsbad Coastal Redevelopment Plan</td>
</tr>
<tr>
<td>NS-689</td>
<td>Amends § 2.04.010, city council (2.04)</td>
</tr>
<tr>
<td>NS-690</td>
<td>Extends moratorium on permits imposed by Ord. NS-684</td>
</tr>
<tr>
<td>NS-691</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-692</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-693</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-694</td>
<td>Adds § 10.44.720, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-695</td>
<td>Adds § 10.44.710, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-696</td>
<td>Void</td>
</tr>
<tr>
<td>NS-697</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-698</td>
<td>Adds § 10.44.730, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-699</td>
<td>Adds § 13.10.080 [13.10.090], sewer connection and capacity permit and fees (13.10)</td>
</tr>
<tr>
<td>NS-700</td>
<td>Amends §§ 11.24.055(6)[b], 11.24.056(d) and 11.24.057(b), Agua Hedionda Lagoon (11.24)</td>
</tr>
<tr>
<td>NS-701</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>NS-702</td>
<td>Adds § 21.42.010(2)(M); amends § 21.42.010(1), conditional uses (Repealed by NS-791)</td>
</tr>
<tr>
<td>NS-703</td>
<td>Amends §§ 21.35.020 and 21.44.020(b)(7), V-R village redevelopment zone and parking (Repealed by NS-834)</td>
</tr>
<tr>
<td>NS-704</td>
<td>Amends § 20.16.195, major subdivision requirements (20.16)</td>
</tr>
<tr>
<td>NS-705</td>
<td>Amends § 20.05.030, zone establishment (20.05)</td>
</tr>
<tr>
<td>NS-706</td>
<td>Amends § 10.44.030, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-707</td>
<td>Repeals Ord. NS-684 (Repealer)</td>
</tr>
<tr>
<td>NS-708</td>
<td>Repeals Ord. NS-684 (Repealer)</td>
</tr>
<tr>
<td>NS-709</td>
<td>Amends §§ 1.20.090 and 1.20.490 [1.20.480], city council procedure (1.20)</td>
</tr>
<tr>
<td>NS-710</td>
<td>Amends § 20.17.020, vesting tentative maps (20.17)</td>
</tr>
<tr>
<td>NS-712</td>
<td>Amends §§ 10.40.041 and 10.40.084, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-713</td>
<td>Adds §§ 10.28.700—10.28.720, special stops (10.28)</td>
</tr>
<tr>
<td>NS-714</td>
<td>Adds § 10.28.730; amends § 10.28.135, special stops (10.28)</td>
</tr>
<tr>
<td>NS-715</td>
<td>Amends § 20.05.030, zone establishment (20.05)</td>
</tr>
<tr>
<td>NS-716</td>
<td>Adds §§ 10.28.740—10.28.750, special stops (10.28)</td>
</tr>
<tr>
<td>NS-717</td>
<td>Adds § 18.16.080, plumbing code (18.16)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-719</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
<tr>
<td>NS-720</td>
<td>Approves the La Costa Resort and Spa Master Plan (MP 03-02)</td>
</tr>
<tr>
<td>NS-721</td>
<td>Amends the La Costa Master Plan (MP 149)</td>
</tr>
<tr>
<td>NS-722</td>
<td>Amends § 10.44.340, speed limits (10.44)</td>
</tr>
<tr>
<td>NS-723</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
<tr>
<td>NS-724</td>
<td>Amends § 10.40.072, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-725</td>
<td>Amends § 2.08.020, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-726</td>
<td>Amends § 2.08.030, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-727</td>
<td>Amends the Carlsbad Ranch Specific Plan (SP 207(A))</td>
</tr>
<tr>
<td>NS-728</td>
<td>Amends § 10.28.323, special stops (10.28)</td>
</tr>
<tr>
<td>NS-729</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
<tr>
<td>NS-730</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-731</td>
<td>Amends § 10.44.350, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-732</td>
<td>Amends § 10.44.380, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-733</td>
<td>Establishes temporary land use controls to protect sensitive biological resources</td>
</tr>
<tr>
<td>NS-734</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-735</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-736</td>
<td>Extends provisions of Ord. NS-733</td>
</tr>
<tr>
<td>NS-737</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-738</td>
<td>Repeals §§ 21.04.379 and 21.42.010(16) (Repealer)</td>
</tr>
<tr>
<td>NS-739</td>
<td>Adds § 10.28.760, special stops (10.28)</td>
</tr>
<tr>
<td>NS-740</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-741</td>
<td>Adds § 10.28.770, special stops (10.28)</td>
</tr>
<tr>
<td>NS-742</td>
<td>Amends § 10.28.370, special stops (10.28)</td>
</tr>
<tr>
<td>NS-743</td>
<td>Amends § 21.05.030 [21.05.030], zoning map (21.05)</td>
</tr>
<tr>
<td>NS-744</td>
<td>Amends §§ 1.20.020, 1.20.110, 1.20.150 and 1.20.170, city council (1.20)</td>
</tr>
<tr>
<td>NS-745</td>
<td>Amends § 20.16.040, subdivisions (20.16)</td>
</tr>
<tr>
<td>NS-748</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-750</td>
<td>Adds § 10.28.780, special stops (10.28)</td>
</tr>
<tr>
<td>NS-751</td>
<td>Amends the Carlsbad Village Area Redevelopment Plan</td>
</tr>
<tr>
<td>NS-753</td>
<td>Amends §§ 21.08.020, 21.53.120 and 21.53.230, zoning (21.08, 21.53)</td>
</tr>
<tr>
<td>NS-754</td>
<td>Amends the Carlsbad Research Center Specific Plan (SP 180(G))</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-755</td>
<td>Adds § 10.08.080, Uniform Traffic Control Devices (Repealed by CS-144)</td>
</tr>
<tr>
<td>NS-756</td>
<td>Amends § 10.40.041, parking (10.41)</td>
</tr>
<tr>
<td>NS-757</td>
<td>Amends § 20.44.040, dedication of land for recreational facilities (20.44)</td>
</tr>
<tr>
<td>NS-759</td>
<td>Adds §§ 10.28.790 and 10.28.800, stop sign designations (10.28)</td>
</tr>
<tr>
<td>NS-760</td>
<td>Urgency ordinance (superseded by Ordinance NS-761)</td>
</tr>
<tr>
<td>NS-761</td>
<td>Adds Chs. 8.60 and 8.70; repeals and replaces §§ 8.09.011 and 11.28.050; repeals §§ 21.43.010, 21.43.035—21.43.050, 21.43.080—21.43.110 and 21.43.130, adult businesses and licensing for adult performers (8.60, 8.70, 11.28)</td>
</tr>
<tr>
<td>NS-762</td>
<td>Amends § 11.12.160, violations concerning trees and shrubs (11.12)</td>
</tr>
<tr>
<td>NS-763</td>
<td>Adds § 10.28.810, stop sign designations (10.28)</td>
</tr>
<tr>
<td>NS-764</td>
<td>Adds § 10.28.820, stop sign designations (10.28)</td>
</tr>
<tr>
<td>NS-765</td>
<td>Adds Ch. 21.31 and § 21.06.170; amends §§ 21.05.010, 21.06.010, 21.06.020, 21.06.090 and 21.83.040, zoning (21.05, 21.06, 21.31, 21.83)</td>
</tr>
<tr>
<td>NS-769</td>
<td>Amends Ch. 21.29, zoning (21.29)</td>
</tr>
<tr>
<td>NS-770</td>
<td>Amends §§ 1.20.290 and 1.20.305, city council procedure (1.20)</td>
</tr>
<tr>
<td>NS-771</td>
<td>Adds § 10.44.740, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-772</td>
<td>Amends § 17.04.070, fire prevention code (Repealed by NS-868)</td>
</tr>
<tr>
<td>NS-773</td>
<td>Amends § 10.44.360, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-774</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
<tr>
<td>NS-775</td>
<td>Not available</td>
</tr>
<tr>
<td>NS-776</td>
<td>Rezone (ZC 04-11)</td>
</tr>
<tr>
<td>NS-777</td>
<td>Authorizes levy of special tax</td>
</tr>
<tr>
<td>NS-778</td>
<td>Adds Ch. 3.37, Carlsbad tourism business improvement district (3.37)</td>
</tr>
<tr>
<td>NS-779</td>
<td>Approves amendment to South Carlsbad Coastal Redevelopment Project</td>
</tr>
<tr>
<td>NS-780</td>
<td>Amends § 21.05.030, zone establishment (21.05)</td>
</tr>
<tr>
<td>NS-781</td>
<td>Amends § 10.32.091, truck routes (10.32)</td>
</tr>
<tr>
<td>NS-782</td>
<td>Not available</td>
</tr>
<tr>
<td>NS-784</td>
<td>Amends § 10.44.210, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-785</td>
<td>Void</td>
</tr>
<tr>
<td>NS-786</td>
<td>Adds § 10.28.830, special stops (10.28)</td>
</tr>
<tr>
<td>NS-787</td>
<td>Adds § 10.28.840, special stops (10.28)</td>
</tr>
<tr>
<td>NS-788</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-789</td>
<td>Amends § 10.28.240, special stops (10.28)</td>
</tr>
<tr>
<td>NS-790</td>
<td>Adds § 17.04.090, fire prevention code (Repealed by NS-868)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-792</td>
<td>Amends § 2.04.010, city council (2.04)</td>
</tr>
<tr>
<td>NS-793</td>
<td>Adds § 2.12.040; amends §§ 2.12.035, 2.14.120, Chs. 2.44 and 2.48; repeals and replaces § 2.08.060, administration and personnel (2.08, 2.12, 2.14, 2.44, 2.48)</td>
</tr>
<tr>
<td>NS-795</td>
<td>Amends § 10.44.750, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-796</td>
<td>Amends §§ 11.24.056 and 11.24.057, Agua Hedionda Lagoon (11.24)</td>
</tr>
<tr>
<td>NS-797</td>
<td>Amends § 2.08.020, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-798</td>
<td>Amends § 2.08.030, officers—employees generally (2.08)</td>
</tr>
<tr>
<td>NS-799</td>
<td>Amends Car Country Specific Plan (SP 19(1))</td>
</tr>
<tr>
<td>NS-800</td>
<td>Amends § 1.13.030, election campaign closure (1.13)</td>
</tr>
<tr>
<td>NS-802</td>
<td>Adds § 10.28.850, streets designated (10.28)</td>
</tr>
<tr>
<td>NS-803</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-804</td>
<td>Adds § 10.44.760, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-805</td>
<td>Amends Encina Specific Plan (SP 144)</td>
</tr>
<tr>
<td>NS-806</td>
<td>Approves development plan for Encina Power Station</td>
</tr>
<tr>
<td>NS-807</td>
<td>Approves development agreement with Poseidon Resources (Channelside) LLC</td>
</tr>
<tr>
<td>NS-808</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-809</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-810</td>
<td>Approves La Costa Resort and Spa Master Plan Amendment (MP 03-02(A))</td>
</tr>
<tr>
<td>NS-811</td>
<td>Amends §§ 1.08.010 and 21.41.100; repeals and replaces Ch. 8.17, various provisions (1.08, 8.17, 21.41)</td>
</tr>
<tr>
<td>NS-812</td>
<td>Adds § 10.44.770, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-814</td>
<td>Repeals Ch. 5.60 (Repealer)</td>
</tr>
<tr>
<td>NS-815</td>
<td>Adds § 10.28.860, streets designated (10.28)</td>
</tr>
<tr>
<td>NS-816</td>
<td>Amends Villages of La Costa Master Plan (MP 98-01(G))</td>
</tr>
<tr>
<td>NS-817</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-818</td>
<td>Amends La Costa Master Plan (MP 149(U))</td>
</tr>
<tr>
<td>NS-819</td>
<td>Amends development plan</td>
</tr>
<tr>
<td>NS-820</td>
<td>Amends § 10.44.190, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-821</td>
<td>Amends § 10.44.130, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-822</td>
<td>Approves Robertson Ranch Master Plan (MP 02-03)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>NS-823</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-824</td>
<td>Amends § 2.08.090, officers, employees generally (2.08)</td>
</tr>
<tr>
<td>NS-825</td>
<td>Adds § 10.44.780, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-826</td>
<td>Amends § 10.44.300, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-827</td>
<td>Amends § 10.32.090, miscellaneous driving rules (10.32)</td>
</tr>
<tr>
<td>NS-828</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-829</td>
<td>Amends § 10.44.220, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-830</td>
<td>Adds § 10.28.870, special stops (10.28)</td>
</tr>
<tr>
<td>NS-831</td>
<td>Amends § 10.40.128, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-832</td>
<td>Amends § 10.44.240, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-833</td>
<td>Amends Green Valley Master Plan (MP 92-01(8))</td>
</tr>
<tr>
<td>NS-835</td>
<td>Void</td>
</tr>
<tr>
<td>NS-836</td>
<td>Amends §§ 2.04.030 and 2.06.080, city council, mayor (2.04, 2.06)</td>
</tr>
<tr>
<td>NS-837</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-838</td>
<td>Approves precise development plan 05-01</td>
</tr>
<tr>
<td>NS-839</td>
<td>Amends §§ 1.16.010 and 1.16.020, time limits for judicial review (1.16)</td>
</tr>
<tr>
<td>NS-840</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-841</td>
<td>Describes the Housing and Redevelopment Agency’s powers of eminent domain in existing redevelopment areas</td>
</tr>
<tr>
<td>NS-842</td>
<td>Amends §§ 20.44.090 and 20.44.100, subdivisions (20.44)</td>
</tr>
<tr>
<td>NS-843</td>
<td>Adds §§ 10.28.880 and 10.28.890, special stops (10.28)</td>
</tr>
<tr>
<td>NS-845</td>
<td>Adds § 10.44.790, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-846</td>
<td>Adds §§ 10.28.900—10.28.920, special stops (10.28)</td>
</tr>
<tr>
<td>NS-847</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-848</td>
<td>Adds Ch. 5.29, state video franchises (5.29)</td>
</tr>
<tr>
<td>NS-849</td>
<td>Amends Table 13.10.020(c), sewers (13.10)</td>
</tr>
<tr>
<td>NS-850</td>
<td>Adds § 6.16.150, nuisances (6.16)</td>
</tr>
<tr>
<td>NS-852</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>NS-853</td>
<td>Adds § 10.44.810, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-854</td>
<td>Adds § 10.44.800, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-855</td>
<td>Amends Carlsbad Airport Centre Specific Plan (SP 181(F))</td>
</tr>
<tr>
<td>NS-856</td>
<td>Adds § 10.28.930, special stops (10.28)</td>
</tr>
<tr>
<td>NS-857</td>
<td>Adds § 10.44.820, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-858</td>
<td>Amends § 2.04.010, city council (2.04)</td>
</tr>
<tr>
<td>NS-859</td>
<td>Amends 2006 master fee schedule; repeals and replaces Ch. 8.09, entertainment license (8.09)</td>
</tr>
<tr>
<td>NS-860</td>
<td>Adds §§ 8.44.040 and 8.44.050, alcoholic beverages (8.44)</td>
</tr>
<tr>
<td>NS-861</td>
<td>Amends § 1.08.010, penalty (1.08)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>NS-862</td>
<td>Amends Ch. 21.35, Village Redevelopment Zone (Repealed by CS-037)</td>
</tr>
<tr>
<td>NS-863</td>
<td>Amends § 2.24.080, planning commission (2.24)</td>
</tr>
<tr>
<td>NS-864</td>
<td>Adds § 10.44.830, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-865</td>
<td>Amends § 10.44.210, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-866</td>
<td>Amends § 10.44.540, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-867</td>
<td>Amends § 10.44.130, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-868</td>
<td>Repeals and replaces Ch. 17.04, fire prevention code (17.04)</td>
</tr>
<tr>
<td>NS-869</td>
<td>Adds § 18.04.150; amends §§ 18.04.010—18.04.040, 18.04.160—18.04.235, and</td>
</tr>
<tr>
<td></td>
<td>18.04.320, building code (Repealed by CS-127)</td>
</tr>
<tr>
<td>NS-870</td>
<td>Amends §§ 18.08.010 and 18.08.020, mechanical code (Repealed by CS-128)</td>
</tr>
<tr>
<td>NS-872</td>
<td>Amends §§ 18.16.010, 18.16.080, 18.16.120, and 18.16.160, plumbing code (18.16)</td>
</tr>
<tr>
<td>NS-873</td>
<td>Adds § 18.30.030, energy conservation regulations (18.30)</td>
</tr>
<tr>
<td>NS-874</td>
<td>Amends Master Plan 178(F)</td>
</tr>
<tr>
<td>NS-875</td>
<td>Amends Carlsbad Ranch Specific Plan (SP 207(E))</td>
</tr>
<tr>
<td>NS-876</td>
<td>Amends § 10.28.650, special stops (10.28)</td>
</tr>
<tr>
<td>NS-877</td>
<td>Adds § 10.28.940, special stops (10.28)</td>
</tr>
<tr>
<td>NS-878</td>
<td>Adds §§ 11.16.145 and 11.16.146; amends §§ 11.16.020, 11.16.090 and 11.16.110, permits for work or encroachments in public places (11.16)</td>
</tr>
<tr>
<td>NS-879</td>
<td>Repeals and replaces Ch. 15.04, general regulations (15.04)</td>
</tr>
<tr>
<td>NS-880</td>
<td>Repeals and replaces Ch. 15.12, storm water management and discharge control (15.12)</td>
</tr>
<tr>
<td>NS-881</td>
<td>Adds §§ 15.16.065, 15.16.067 and 15.16.085; amends §§ 15.16.030, 15.16.040,</td>
</tr>
<tr>
<td></td>
<td>15.16.060, 15.16.070, 15.16.080, 15.16.100, 15.16.110, 15.16.140, 15.16.170 and 15.16.190; repeals § 15.16.090, grading and erosion control (15.16)</td>
</tr>
<tr>
<td>NS-882</td>
<td>Adds Ch. 18.48, storm water pollution prevention (18.48)</td>
</tr>
<tr>
<td>NS-883</td>
<td>Amends §§ 2.08.110 and 2.44.095; repeals §§ 2.44.025 and 2.44.027, administration and personnel (2.08, 2.44)</td>
</tr>
<tr>
<td>NS-884</td>
<td>Adds § 10.40.129, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-885</td>
<td>Amends §§ 18.42.050 and 18.42.070, traffic impact fee (18.42)</td>
</tr>
<tr>
<td>NS-886</td>
<td>Adds §§ 10.40.166—10.40.169, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>NS-887</td>
<td>Amends § 1.20.060, city council procedure (1.20)</td>
</tr>
<tr>
<td>NS-888</td>
<td>Amends § 10.44.030, speed restrictions (10.44)</td>
</tr>
<tr>
<td>NS-889</td>
<td>Amends §§ 21.85.100, 21.86.020, 21.86.120, zoning amendments (21.85, 21.86)</td>
</tr>
<tr>
<td>NS-890</td>
<td>Amends §§ 18.42.050 and 18.42.070, traffic impact fee (18.42)</td>
</tr>
<tr>
<td>NS-891</td>
<td>Repeals Ch. 5.28 (Repealer)</td>
</tr>
<tr>
<td>NS-892</td>
<td>Not available</td>
</tr>
<tr>
<td>NS-893</td>
<td>Not available</td>
</tr>
<tr>
<td>NS-894</td>
<td>Adds § 11.32.110; amends § 11.32.010, parks and beaches (11.32)</td>
</tr>
<tr>
<td>NS-895</td>
<td>Adds § 10.40.131, stopping, standing and parking (10.40)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-002</td>
<td>Repeals and replaces Ch. 3.28, purchasing (3.28)</td>
</tr>
<tr>
<td>CS-004</td>
<td>Amends §§ 15.04.020, 15.08.010, 15.08.015, 15.08.020—15.08.030, 15.08.050, 15.08.060, planned local drainage area fee program (15.04, 15.08)</td>
</tr>
<tr>
<td>CS-006</td>
<td>Adds § 10.44.840, speed restrictions (10.44)</td>
</tr>
<tr>
<td>CS-007</td>
<td>Amends § 10.44.320, speed restrictions (10.44)</td>
</tr>
<tr>
<td>CS-008</td>
<td>Adds § 10.44.850, speed restrictions (10.44)</td>
</tr>
<tr>
<td>CS-009</td>
<td>Adds § 1.20.610, city council procedure (1.20)</td>
</tr>
<tr>
<td>CS-010</td>
<td>Adds Ch. 13.06; amends §§ 13.04.010 and 13.04.050, sewers (13.04, 13.06)</td>
</tr>
<tr>
<td>CS-011</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>CS-012</td>
<td>Adopts Fenton Carlsbad Center Specific Plan (SP 07-02)</td>
</tr>
<tr>
<td>CS-013</td>
<td>Amends § 10.44.220, speed restrictions (10.44)</td>
</tr>
<tr>
<td>CS-014</td>
<td>Amends § 10.44.860, speed limit on Palomar Airport Rd. (10.44)</td>
</tr>
<tr>
<td>CS-015</td>
<td>Amends § 10.32.091, truck route on El Fuerte St. (10.32)</td>
</tr>
<tr>
<td>CS-016</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-017</td>
<td>Amends Master Plan, La Costa Resort and Spa</td>
</tr>
<tr>
<td>CS-018</td>
<td>Weight limit on Encinas Creek Bridge</td>
</tr>
<tr>
<td>CS-019</td>
<td>Amends § 10.44.870, speed limit on Corte de la Vista (10.44)</td>
</tr>
<tr>
<td>CS-020</td>
<td>Amends Robertson Ranch Master Plan</td>
</tr>
<tr>
<td>CS-021</td>
<td>Omitted</td>
</tr>
<tr>
<td>CS-022</td>
<td>Adds §§ 11.21.015, 11.32.030, 11.32.040, parks and beaches (11.21, 11.32)</td>
</tr>
<tr>
<td>CS-023</td>
<td>Amends §§ 2.04.060 and 2.06.090, eligibility for office (2.04)</td>
</tr>
<tr>
<td>CS-024</td>
<td>Amends §§ 2.04.010 and 2.04.020, compensation for council and mayor</td>
</tr>
<tr>
<td>CS-025</td>
<td>Amends Carlsbad Ranch Specific Plan (SP 207(G))</td>
</tr>
<tr>
<td>CS-026</td>
<td>Amends §§ 21.45.060, 21.45.070, 21.45.080 and 21.82.050, coastal zone amendments (21.45)</td>
</tr>
<tr>
<td>CS-027</td>
<td>Amends § 5.08.120, pawnbrokers (5.08)</td>
</tr>
<tr>
<td>CS-028</td>
<td>Amends § 18.42.020(a); repeals § 18.42.050(d), traffic impact fee (18.42)</td>
</tr>
<tr>
<td>CS-029</td>
<td>Amends § 10.40.080, angle parking (10.40)</td>
</tr>
<tr>
<td>CS-030</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-031</td>
<td>Amends §§ 2.28.020, 2.28.060, traffic safety commission (2.28)</td>
</tr>
<tr>
<td>CS-033</td>
<td>Amends § 10.44.360, Poinsetta Lane speed limit (10.44)</td>
</tr>
<tr>
<td>CS-034</td>
<td>Repeals Chs. 14.04, 14.08, 14.12, 14.16, 14.20, 14.24, and 14.28 (Repealer)</td>
</tr>
<tr>
<td>CS-035</td>
<td>Amends §§ 21.220.010—21.220.030, water-efficient landscaping (Repealed by CS-089)</td>
</tr>
<tr>
<td>CS-036</td>
<td>Amends §§ 2.16.005—2.16.115 and 3.24.020; repeals § 3.24.010, Board of Library Trustees (2.16, 3.24)</td>
</tr>
<tr>
<td>CS-037</td>
<td>Repeals and replaces §§ 21.35.010—21.35.150, Village Review Zone (21.35)</td>
</tr>
<tr>
<td>CS-038</td>
<td>Amends § 21.41.010, Village Review Zone signs (Repealed by CS-226)</td>
</tr>
</tbody>
</table>

ORD-60
<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS-039</td>
<td>Repeals §§ 21.81.010—21.81.165, coastal development permits (Repealed by CS-178)</td>
</tr>
<tr>
<td>CS-040</td>
<td>Amends §§ 2.24.010—2.24.070; repeals Ch. 2.26, Design Review Board (2.24)</td>
</tr>
<tr>
<td>CS-041</td>
<td>Amends §§ 5.09.020(b), 13.10.030, 13.10.080, 13.10.090, and 15.08.040, sewer fees (5.09, 13.10, 15.08)</td>
</tr>
<tr>
<td>CS-042</td>
<td>Amends § 2.08.032, city clerk qualifications (2.08)</td>
</tr>
<tr>
<td>CS-043</td>
<td>Amends § 5.04.160, business licenses (5.04)</td>
</tr>
<tr>
<td>CS-044</td>
<td>Amends §§ 2.04.030 and 2.06.080, vacation of office (2.04)</td>
</tr>
<tr>
<td>CS-046</td>
<td>Amends § 3.28.085, design build contracts (3.28)</td>
</tr>
<tr>
<td>CS-047</td>
<td>Amends § 3.28.130, prevailing wages (3.28)</td>
</tr>
<tr>
<td>CS-048</td>
<td>Amends § 10.40.170, parking time limit (10.40)</td>
</tr>
<tr>
<td>CS-049</td>
<td>Amends § 10.28.950, stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-051</td>
<td>Amends La Costa Master Plan</td>
</tr>
<tr>
<td>CS-052</td>
<td>Amends § 21.35.020, Village Redevelopment Zone (21.35)</td>
</tr>
<tr>
<td>CS-053</td>
<td>Amends §§ 8.45.010—8.45.050, party-related alcohol consumption by minors (8.45)</td>
</tr>
<tr>
<td>CS-054</td>
<td>Amends §§ 21.80.170(g) and 21.201.190(E), emergency coastal development permits (21.80, 21.201)</td>
</tr>
<tr>
<td>CS-055</td>
<td>Amends § 5.20.140, taxicab driver permits (Repealed by CS-218)</td>
</tr>
<tr>
<td>CS-056</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>CS-057</td>
<td>Amends Encina Specific Plan (SP 144(H))</td>
</tr>
<tr>
<td>CS-058</td>
<td>Amends Encina Power Station Precise Development Plan (PDP 00-02)</td>
</tr>
<tr>
<td>CS-059</td>
<td>Seawater desalination plant</td>
</tr>
<tr>
<td>CS-060</td>
<td>Amends Village Area Redevelopment Plan</td>
</tr>
<tr>
<td>CS-062</td>
<td>Amends §§ 8.60.050, 8.60.060(J), and 8.60.090(B), adult businesses (8.60)</td>
</tr>
<tr>
<td>CS-064</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-065</td>
<td>Amends Zone 20 Specific Plan (SP 203(C))</td>
</tr>
<tr>
<td>CS-066</td>
<td>Amends Carlsbad Ranch Specific Plan</td>
</tr>
<tr>
<td>CS-067</td>
<td>Thermal power plant expansion</td>
</tr>
<tr>
<td>CS-068</td>
<td>Amends § 8.28.055, depositing handbills on vehicles (8.28)</td>
</tr>
<tr>
<td>CS-069</td>
<td>Amendment to Carlsbad Ranch Specific Plan</td>
</tr>
<tr>
<td>CS-070</td>
<td>Extends ban on thermal power plant expansion</td>
</tr>
<tr>
<td>CS-071</td>
<td>Amends § 2.24.065, general plan conformance (2.24)</td>
</tr>
<tr>
<td>CS-073</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-074</td>
<td>Amends § 11.32.030, beach regulations (11.32)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-075</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-076</td>
<td>Robertson Ranch Master Plan</td>
</tr>
<tr>
<td>CS-077</td>
<td>Amends § 13.10.080; repeals §§ 13.10.090, sewer benefit fees (13.10)</td>
</tr>
<tr>
<td>CS-078</td>
<td>Amends § 21.81.150, emergency permits in the Village Review Zone (Repealed by CS-178)</td>
</tr>
<tr>
<td>CS-080</td>
<td>Amends § 2.08.027, qualifications of city treasurer (2.08)</td>
</tr>
<tr>
<td>CS-081</td>
<td>Amends § 3.12.120(e), transient occupancy tax refunds (3.12)</td>
</tr>
<tr>
<td>CS-082</td>
<td>Amends §§ 10.28.120, 10.28.960, and 10.28.961, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-083</td>
<td>Amends §§ 10.28.170, 10.28.260, and 10.28.962—10.28.965, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-084</td>
<td>Amends § 15.08.040(f), drainage fee deferral (15.08)</td>
</tr>
<tr>
<td>CS-085</td>
<td>Amends § 18.40.030(a), dedications required (18.40)</td>
</tr>
<tr>
<td>CS-086</td>
<td>Amends § 18.42.020(e), vehicle trip generation rates (18.42)</td>
</tr>
<tr>
<td>CS-087</td>
<td>Amends § 20.12.110(b), subdivision tentative maps (20.12)</td>
</tr>
<tr>
<td>CS-088</td>
<td>Repeals § 20.28.080, exemption to improvements (Repealer)</td>
</tr>
<tr>
<td>CS-089</td>
<td>Amends §§ 18.50.010—18.50.260; repeals §§ 21.220.010—21.220.030, water efficient landscaping (Repealed by CS-175)</td>
</tr>
<tr>
<td>CS-090</td>
<td>Amends §§ 1.08.010 and 7.08.010, animal noise abatement (1.08, 7.08)</td>
</tr>
<tr>
<td>CS-091</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-092</td>
<td>Amends Zone 20 specific plan</td>
</tr>
<tr>
<td>CS-093</td>
<td>Amends contract with CalPERS</td>
</tr>
<tr>
<td>CS-094</td>
<td>Amends §§ 5.09.030, 13.10.030, 13.10.080, 13.10.090, and 15.08.040, sewer capacity fees (5.09, 13.10, 15.08)</td>
</tr>
<tr>
<td>CS-096</td>
<td>Amends §§ 1.20.290(c) and 1.20.430(d), public hearing testimony (1.20)</td>
</tr>
<tr>
<td>CS-097</td>
<td>Amends § 10.44.360, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-098</td>
<td>Amends § 10.28.966, stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-100</td>
<td>Amends § 2.04.030, vacancies in office (2.04)</td>
</tr>
<tr>
<td>CS-101</td>
<td>Amends §§ 8.17.020, 8.17.030, 8.17.050, 8.17.060, 8.17.070, 8.17.090, 8.17.110, 8.17.120, 8.17.170, and 8.17.190, special events (8.17)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-103</td>
<td>Amends § 10.44.320, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-104</td>
<td>Amends § 10.40.076(a), parking restriction (10.40)</td>
</tr>
<tr>
<td>CS-105</td>
<td>Amends § 1.08.020, community and economic development director (1.08)</td>
</tr>
<tr>
<td>CS-106</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-107</td>
<td>Amends § 10.38.967, stop intersection (10.38)</td>
</tr>
<tr>
<td>CS-108</td>
<td>Amends § 10.44.520, speed limits (10.44)</td>
</tr>
<tr>
<td>CS-110</td>
<td>Thermal electric power generation moratorium</td>
</tr>
<tr>
<td>CS-111</td>
<td>Amends § 10.44.280, speed limits (10.44)</td>
</tr>
<tr>
<td>CS-112</td>
<td>Warrant payment guarantee</td>
</tr>
<tr>
<td>Res. 2010-272</td>
<td>Amends Charter § 502 (Charter)</td>
</tr>
<tr>
<td>CS-113</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-114</td>
<td>Amends Specific Plan SP 181(G) and repeals SP 199(B)</td>
</tr>
<tr>
<td>CS-115</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-116</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-117</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>CS-118</td>
<td>Amends § 10.40.171, parking restriction (10.40)</td>
</tr>
<tr>
<td>CS-119</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-120</td>
<td>Amends § 10.40.041, parking restriction (10.40)</td>
</tr>
<tr>
<td>CS-121</td>
<td>Not available</td>
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<tr>
<td>CS-122</td>
<td>Not available</td>
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<tr>
<td>CS-123</td>
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<tr>
<td>CS-124</td>
<td>Repeals and replaces §§ 2.18.010—2.18.130, Arts Commission (2.18)</td>
</tr>
<tr>
<td>CS-125</td>
<td>Adds §§ 21.87.010—21.87.070, reasonable accommodation (21.87)</td>
</tr>
<tr>
<td>CS-126</td>
<td>Adds §§ 17.04.010—17.04.660; repeals §§ 17.04.010—17.04.370, Fire Prevention Code (Repealed by CS-246)</td>
</tr>
<tr>
<td>CS-127</td>
<td>Repeals and replaces Ch. 18.04, Building Code (18.04)</td>
</tr>
<tr>
<td>CS-128</td>
<td>Repeals and replaces Ch. 18.08, Mechanical Code (18.08)</td>
</tr>
<tr>
<td>CS-129</td>
<td>Repeals and replaces Ch. 18.12, Electrical Code (18.12)</td>
</tr>
<tr>
<td>CS-130</td>
<td>Repeals and replaces Ch. 18.16, Plumbing Code (18.16)</td>
</tr>
<tr>
<td>CS-131</td>
<td>Amends § 18.18.010—18.18.040, Solar Energy Code (18.18)</td>
</tr>
<tr>
<td>CS-132</td>
<td>Amends § 18.20.010—18.20.030, Residential Code (18.20)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-136</td>
<td>Amends § 10.28.968, stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-137</td>
<td>Establishes the City of Carlsbad as the successor agency to the former redevelopment agency</td>
</tr>
<tr>
<td>CS-138</td>
<td>Establishes the City of Carlsbad as the successor agency to the former redevelopment agency</td>
</tr>
<tr>
<td>CS-139</td>
<td>Adds § 11.32.070; repeals and replaces Ch. 10.58, skateboarding (10.58, 11.32)</td>
</tr>
<tr>
<td>CS-140</td>
<td>Amends §§ 10.44.460 and 10.44.470, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-141</td>
<td>Amends § 10.28.151, stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-142</td>
<td>Amends §§ 3.32.030 and 5.04.130, refunds (3.32, 5.04)</td>
</tr>
<tr>
<td>CS-143</td>
<td>Amends § 10.28.969, stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-144</td>
<td>Repeals § 10.08.080, traffic control devices (Repealer)</td>
</tr>
<tr>
<td>CS-145</td>
<td>Adds Ch. 21.209; amends Ch. 21.06 and § 21.05.010, zoning (Pending California Coastal Commission certification)</td>
</tr>
<tr>
<td>CS-146</td>
<td>Amends § 21.05.030, zoning map (Pending California Coastal Commission certification)</td>
</tr>
<tr>
<td>CS-147</td>
<td>Amends SP 207 (SP 207(I)) (Pending California Coastal Commission certification)</td>
</tr>
<tr>
<td>CS-148</td>
<td>Specific plan amendment</td>
</tr>
<tr>
<td>CS-149</td>
<td>Amends §§ 11.04.050 and 11.04.066, public trails (11.04)</td>
</tr>
<tr>
<td>CS-150</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-152</td>
<td>Amends § 8.45.045, law enforcement costs (8.45)</td>
</tr>
<tr>
<td>CS-153</td>
<td>Adds § 1.20.300; amends §§ 1.08.010, 1.20.310, 1.20.320, and 1.20.330; renumbers § 1.20.300 as 1.20.302, council meetings decorum (1.08, 1.20)</td>
</tr>
<tr>
<td>CS-154</td>
<td>Amends §§ 5.09.030, 13.10.030, 13.10.080, 13.10.090, and 15.08.040, sewer capacity and benefit fees (5.09, 13.10, 15.08)</td>
</tr>
<tr>
<td>CS-155</td>
<td>Amends §§ 2.04.020 and 20.17.020—20.17.035, vesting tentative maps (2.04, 20.17)</td>
</tr>
<tr>
<td>CS-156</td>
<td>Authorizes city participation in the Alternative Voluntary Redevelopment Program</td>
</tr>
<tr>
<td>CS-157</td>
<td>Amendment to contract with CalPERS</td>
</tr>
<tr>
<td>CS-158</td>
<td>Amends § 21.36.020, Table A, zoning (21.36)</td>
</tr>
<tr>
<td>CS-159</td>
<td>Encina Power Station Plan</td>
</tr>
<tr>
<td>CS-160</td>
<td>Encina Specific Plan</td>
</tr>
<tr>
<td>CS-161</td>
<td>Amends § 10.28.970; stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-162</td>
<td>Amends § 20.44.040, dedication of land for parks (20.44)</td>
</tr>
<tr>
<td>CS-163</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
</tbody>
</table>
ORDINANCE LIST
Ordinance
Number
CS-164

CS-165

Disposition
Amends §§ 1.08.020, 2.08.035, 2.08.050, 2.16.080, 2.16.090, 2.24.020, 2.24.030, 2.28.020,
2.28.060, 5.04.120, 5.09.050, 5.09.110, 5.24.005, 5.24.015—5.24.030, 5.24.040, 5.24.045,
5.24.335, 5.50.046, 6.12.110, 6.16.030, 6.16.050, 8.09.080, 8.17.050, 8.28.040, 10.08.060,
10.34.030, 11.04.030—11.04.050, 11.08.060, 11.12.030, 11.16.020, 11.36.050, 13.04.010,
13.04.030, 13.04.050, 13.06.180, 13.08.010, 13.08.030, 13.10.020, 13.10.030, 13.20.010—
18.24.070, 18.28.050, 18.32.010, 18.40.110, 18.42.020, 18.42.040, 18.48.050, 18.50.030,
21.06.060, 21.06.070, 21.06.140, 21.07.020, 21.07.120, 21.08.020, 21.08.050, 21.08.100,
21.31.080, 21.32.010, 21.32.050, 21.32.060, 21.33.020, 21.34.020, 21.34.050—21.34.070,
21.34.090, 21.34.110, 21.34.130, 21.34.140, 21.35.010, 21.35.080, 21.35.090, 21.35.120,
21.41.060, 21.41.120, 21.41.125, 21.41.140, 21.41.150, 21.42.020, 21.42.050, 21.42.140,
21.43.030, 21.43.060—21.43.120, 21.44.020—21.44.060, 21.44.080, 21.45.050, 21.45.060,
21.45.100, 21.45.130, 21.45.140, 21.45.150, 21.45.160, 21.46.030, 21.46.120, 21.47.020,
21.47.040, 21.47.072, 21.47.075, 21.47.110, 21.47.120, 21.47.130, 21.47.150, 21.48.080,
21.70.010, 21.70.030—21.70.060, 21.70.140, 21.80.010, 21.80.030—21.80.050, 21.80.120,
24.84.100, 21.84.110, 21.85.020, 21.85.115, 21.85.130, 21.85.140, 21.85.155, 21.86.100,
21.86.110, 21.86.130, 21.90.125, 21.95.060, 21.95.110, 21.95.120, 21.100.020, 21.105.030,
(1.08, 2.08, 2.16, 2.24, 2.28, 5.04, 5.09, 5.24, 5.50, 6.12, 6.16, 8.09, 8.17, 8.28, 10.08,
10.34, 11.04, 11.08, 11.12, 11.16, 11.36, 13.04, 13.06, 13.08, 13.10, 13.20, 15.16, 18.04,
18.05, 18.07, 18.24, 18.32, 18.40, 18.42, 18.48, 19.04, 20.04, 20.08, 20.12, 20.20, 20.22,
21.201, 21.208, 21.210, 22.08)
Amends § 10.44.070, speed limit (10.44)

ORD-65


<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS-166</td>
<td>Amends § 21.10.030, SDU rent restrictions (21.10)</td>
</tr>
<tr>
<td>CS-167</td>
<td>Encina Power Station</td>
</tr>
<tr>
<td>CS-168</td>
<td>Encina Specific Plan</td>
</tr>
<tr>
<td>CS-169</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-170</td>
<td>Amends § 21.36.020, conditional uses (21.36)</td>
</tr>
<tr>
<td>CS-171</td>
<td>Amends § 21.52.230, amendments to zoning (21.52)</td>
</tr>
<tr>
<td>CS-173</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-174</td>
<td>Amends §§ 2.16.050, 2.16.060, and 2.16.085, Board of Library Trustees (2.16)</td>
</tr>
<tr>
<td>CS-175</td>
<td>Adds §§ 21.28.971, 21.28.972, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-176</td>
<td>Adds §§ 10.28.971, 21.28.972, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-179</td>
<td>Adds § 10.28.973; amends § 10.28.570; repeals § 10.28.580, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-180</td>
<td>Amends § 10.28.100, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-181</td>
<td>Adds § 10.28.974; amends § 10.28.230, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-182</td>
<td>Adds § 19.04.215, recordation of notices (19.04)</td>
</tr>
<tr>
<td>CS-183</td>
<td>Repeals and replaces Ch. 6.08, solid waste (6.08)</td>
</tr>
<tr>
<td>CS-184</td>
<td>Amends § 17.04.340, Fire Code (17.04)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-185</td>
<td>Adds § 3.37.055, refund of assessments (3.37)</td>
</tr>
<tr>
<td>CS-186</td>
<td>Amends §§ 5.09.030, 13.10.030, 13.10.080, and 15.08.040; repeals § 13.10.090, sewer capacity and benefit fees (13.10)</td>
</tr>
<tr>
<td>CS-187</td>
<td>Adds § 10.28.975, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-193</td>
<td>Approves specific plan amendment (SP 180(H))</td>
</tr>
<tr>
<td>CS-194</td>
<td>Adds §§ 3.38.010—3.38.110, golf lodging business improvement district (3.38)</td>
</tr>
<tr>
<td>CS-195</td>
<td>Amends §§ 1.20.010, 1.20.020, 1.20.060, council meetings (1.20)</td>
</tr>
<tr>
<td>CS-196</td>
<td>Amends §§ 21.87.020—21.87.040, reasonable accommodation (21.87)</td>
</tr>
<tr>
<td>CS-197</td>
<td>Master plan amendment</td>
</tr>
<tr>
<td>CS-198</td>
<td>Amends §§ 6.02.010—6.02.030, mobile food facilities grading program (6.02)</td>
</tr>
<tr>
<td>CS-199</td>
<td>Amends §§ 2.40.010, 2.40.060, 21.54.140, and 21.54.150, housing and redevelopment commission (2.40, 21.54)</td>
</tr>
<tr>
<td>CS-201</td>
<td>Adds §§ 10.28.977—10.28.981, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-202</td>
<td>Adds § 10.28.976; amends §§ 10.28.130 and 10.28.200, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-203</td>
<td>Adds §§ 10.28.541 and 10.28.982—10.28.987, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-204</td>
<td>Adds § 10.40.180, parking of oversized and recreational vehicles (10.40)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-205</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-206</td>
<td>Amends §§ 21.05.030 and 21.90.045, zoning (21.05, 21.90)</td>
</tr>
<tr>
<td>CS-207</td>
<td>Amends §§ 13.10.020 and 18.42.020, sewer and traffic fees (13.10, 18.42)</td>
</tr>
<tr>
<td>CS-208</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-209</td>
<td>Approves the Quarry Creek Master Plan (MP 10-01)</td>
</tr>
<tr>
<td>CS-210</td>
<td>Adds § 10.28.988; amends § 10.28.230, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-211</td>
<td>Adds §§ 8.48.030 and 15.16.120; amends §§ 1.08.010, 8.48.010, and 8.48.020, hours of construction (1.08, 8.48, 15.16)</td>
</tr>
<tr>
<td>CS-212</td>
<td>Amends § 21.48.080, nonconforming construction permit (21.48)</td>
</tr>
<tr>
<td>CS-213</td>
<td>Amends § 10.44.040, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-214</td>
<td>Amends §§ 2.28.010, 2.28.020, 2.28.040, and 2.28.050; repeals § 2.28.060, Traffic Safety Commission (2.28)</td>
</tr>
<tr>
<td>CS-215</td>
<td>Prohibits mini-satellite wagering within the City</td>
</tr>
<tr>
<td>CS-216</td>
<td>Adds § 10.28.989; amends § 10.28.970, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-217</td>
<td>Extends urgency ordinance CS-215</td>
</tr>
<tr>
<td>CS-218</td>
<td>Repeals and replaces Ch. 5.20, taxicabs (5.20)</td>
</tr>
<tr>
<td>CS-219</td>
<td>Westfield Carlsbad Specific Plan</td>
</tr>
<tr>
<td>CS-220</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-221</td>
<td>Amends § 2.08.100, delegation of donation acceptance (2.08)</td>
</tr>
<tr>
<td>CS-222</td>
<td>Adds § 10.28.990; amends §§ 10.28.190 and 10.28.270, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-223</td>
<td>Amends § 10.28.300, stop intersection (10.28)</td>
</tr>
<tr>
<td>CS-226</td>
<td>Repeals and replaces Ch. 21.41, sign ordinance (21.41)</td>
</tr>
<tr>
<td>CS-227</td>
<td>Adds Ch. 11.44, private party signs on city property (11.44)</td>
</tr>
<tr>
<td>CS-228</td>
<td>Amends § 21.05.030, zoning map (21.05)</td>
</tr>
<tr>
<td>CS-229</td>
<td>Amends § 10.40.049, parking (10.40)</td>
</tr>
<tr>
<td>CS-230</td>
<td>Amends § 10.44.520, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-231</td>
<td>Adds §§ 7.16.010—7.16.030, retail sale of dogs and cats (Repealed by CS-235)</td>
</tr>
<tr>
<td>CS-232</td>
<td>Not available</td>
</tr>
<tr>
<td>CS-233</td>
<td>Amends §§ 10.44.250, 10.44.280, 10.44.460, 10.44.470, and 10.44.570, speed limits (10.44)</td>
</tr>
<tr>
<td>CS-234</td>
<td>Adds §§ 5.16.010—5.16.260; repeals §§ 5.16.010—5.16.380, massage services (5.16)</td>
</tr>
<tr>
<td>CS-235</td>
<td>Repeals §§ 7.16.010—7.16.030, retail sale of cats and dogs (Repealer)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-236</td>
<td>Special use permit</td>
</tr>
<tr>
<td>CS-238</td>
<td>Adds §§ 10.28.991 and 10.28.992; amends §§ 10.28.120 and 10.28.420, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-239</td>
<td>Amends § 10.28.323, stop intersections (10.28)</td>
</tr>
<tr>
<td>CS-240</td>
<td>Adds §§ 6.10.010—6.10.030, prescription drug drop boxes (6.10)</td>
</tr>
<tr>
<td>CS-241</td>
<td>Amends §§ 20.04.020 and 20.04.040, regulation of density bonuses consistent with state and case law (20.04)</td>
</tr>
<tr>
<td>CS-244</td>
<td>Master Plan amendment</td>
</tr>
<tr>
<td>CS-245</td>
<td>Amends §§ 18.04.010, 18.04.015, 18.04.040, 18.04.230, 18.08.010, 18.12.010, 18.16.010, 18.18.010, 18.20.010, 18.21.010, 18.30.010, and 18.30.040; repeals §§ 18.04.320 and 18.28.010—18.28.080, building codes (18.04, 18.08, 18.12, 18.16, 18.18, 18.20, 18.21, 18.30)</td>
</tr>
<tr>
<td>CS-246</td>
<td>Repeals and replaces Ch. 17.04, Fire Prevention Code (17.04)</td>
</tr>
<tr>
<td>CS-247</td>
<td>Amends § 10.44.210, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-248</td>
<td>Approves amendment to Car Country Specific Plan (SP 19(J))</td>
</tr>
<tr>
<td>CS-250</td>
<td>Repeals § 21.36.020, Ord. CS-170 (Repealer)</td>
</tr>
<tr>
<td>CS-251</td>
<td>Extends Urgency Ord. CS-217</td>
</tr>
<tr>
<td>CS-252</td>
<td>Adds §§ 8.80.010—8.80.030, prohibition of mini-satellite wagering (8.80)</td>
</tr>
<tr>
<td>CS-253</td>
<td>Repeals § 21.36.020(Table A), Ord. CS-158 (Repealer)</td>
</tr>
<tr>
<td>CS-254</td>
<td>Encina Power Station amendments</td>
</tr>
<tr>
<td>CS-255</td>
<td>Repeals Encina Specific Plan (Repealer)</td>
</tr>
<tr>
<td>CS-256</td>
<td>Adds §§ 10.28.993 and 10.28.994, special stops (10.28)</td>
</tr>
<tr>
<td>CS-257</td>
<td>Adds §§ 6.16.005—6.16.090, 6.16.150(F); repeals §§ 6.16.010—6.16.110, Nuisance Ordinance (6.16)</td>
</tr>
<tr>
<td>CS-258</td>
<td>Adds § 1.13.026, campaign disclosure statements (1.13)</td>
</tr>
<tr>
<td>CS-259</td>
<td>Amends § 2.06.070, appointments (2.06)</td>
</tr>
<tr>
<td>CS-260</td>
<td>Amends § 21.05.030, zoning map amendment (21.05)</td>
</tr>
<tr>
<td>CS-262</td>
<td>Amends §§ 11.44.060 and 11.44.100, kiosk and way-finding signs (11.44)</td>
</tr>
<tr>
<td>Ordinance Number</td>
<td>Disposition</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CS-263</td>
<td>Amends Westfield Carlsbad Specific Plan (SP 09-01)</td>
</tr>
<tr>
<td>CS-264</td>
<td>Amends Westfield Carlsbad Specific Plan (SP 09-01)</td>
</tr>
<tr>
<td>CS-265</td>
<td>Repeals § 3.28.130, prevailing wages (Repealer)</td>
</tr>
<tr>
<td>CS-266</td>
<td>Adds § 11.02.010, lease of city property (11.02)</td>
</tr>
<tr>
<td>CS-267</td>
<td>Adds § 10.44.871, speed limit (10.44)</td>
</tr>
<tr>
<td>CS-268</td>
<td>Amends §§ 2.18.020, 2.18.080, 2.18.110, and 2.18.120, Arts Commission (2.18)</td>
</tr>
<tr>
<td>CS-269</td>
<td>Amends § 2.04.010, compensation (2.04)</td>
</tr>
<tr>
<td>CS-270</td>
<td>Amends Car Country Specific Plan (Pending California Coastal Commission certification)</td>
</tr>
<tr>
<td>CS-272</td>
<td>Adds Ch. 5.60, short-term rentals (5.60)</td>
</tr>
<tr>
<td>CS-273</td>
<td>Void</td>
</tr>
<tr>
<td>CS-274</td>
<td>Amends Carlsbad Ranch Specific Plan (Pending California Coastal Commission certification)</td>
</tr>
<tr>
<td>CS-275</td>
<td>Amends § 10.44.200, speed limits (10.44)</td>
</tr>
<tr>
<td>CS-276</td>
<td>Amends § 6.08.010.A, stormwater (6.08)</td>
</tr>
<tr>
<td>CS-277</td>
<td>Amends § 15.04.010, drainage (15.04)</td>
</tr>
<tr>
<td>CS-278</td>
<td>Amends §§ 15.12.050, 15.12.055, and 15.12.080, stormwater (15.12)</td>
</tr>
<tr>
<td>CS-279</td>
<td>Amends § 7.08.010, animal control (7.08)</td>
</tr>
<tr>
<td>CS-281</td>
<td>Pending</td>
</tr>
<tr>
<td>CS-282</td>
<td>Amends § 21.05.030, rezone (21.05)</td>
</tr>
<tr>
<td>CS-283</td>
<td>Adopts Agua Hedionda South Shore Specific Plan (Pending California Coastal Commission certification)</td>
</tr>
</tbody>
</table>
INDEX
— A —

ADULT BUSINESSES
Appeals 8.60.080
Definitions 8.60.020
Exclusivity of provisions 8.60.110
License
    See also Performer license
    applications 8.60.060
    required 8.60.040
    revocation, suspension 8.60.090
    statement of convictions 8.60.050
    transferability 8.60.070
Minors prohibited 8.60.100
Operating standards 8.60.030
Performer license
    display 8.70.050
    exclusivity of provisions 8.70.090
    investigation 8.70.030
    purpose of provisions 8.70.010
    requirements 8.70.020
    revocation, suspension 8.70.040
    severability of provisions 8.70.100
    time limits 8.70.070
    transferability 8.70.060
    violations, penalties 8.70.080
Purpose of provisions 8.60.010
Severability of provisions 8.60.140
Violations
    nuisance 8.60.130
    penalties 8.60.120

AGUA HEDIONDA LAGOON
Boats, skier regulations 11.24.115
Closures, compliance 11.24.058
Definitions 11.24.010
Enforcement of provisions 11.24.137
Fishing 11.24.055
Liability of city 11.24.125
Prohibited acts
    generally 11.24.085
    throwing waste, refuse into 11.24.100
Public access 11.24.060

Purpose of provisions 11.24.005
Severability of provisions 11.24.140
Special use area
    boating regulations, inner lagoon 11.24.135
    generally 11.24.015
    inner lagoon 11.24.050
Use permits 11.24.020
Vessel
    anchoring prohibited where 11.24.056
    large wakes prohibited 11.24.057
    length restrictions 11.24.080
    night operation 11.24.035
    number limit 11.24.075
    speed limits 11.24.030
    transit corridors 11.24.120
Violations
    designated 11.24.130
    penalties 11.24.138
Water ski slalom course 11.24.110

ALARM SYSTEMS
Administration 8.50.160
Agent registration 8.50.020
Appeals
    to council 8.50.060
    to police chief 8.50.055
Authority 8.50.005
Automatic shut-off 8.50.100
Definitions 8.50.010
Delay devices 8.50.110
Direct dial devices 8.50.040
False alarm penalties 8.50.080
Inspections 8.50.090
Liability limitation 8.50.150
Owner, lessee responsibilities 8.50.035
Permit
    required 8.50.030
    suspension 8.50.050
Power supply 8.50.120
Prohibited acts 8.50.140
Testing 8.50.130
Unauthorized, prohibited 8.50.070
Violations, penalties 8.50.170
ALCOHOLIC BEVERAGES

See also MINORS Ch. 8.45
Beaches, drinking on prohibited 8.44.020
Definitions 8.44.010
Enforcement authority 6.15.050
Open containers prohibited where 8.44.030
Public consumption 8.44.040
Purpose of provisions 6.15.010
Severability of provisions 8.44.050
Warning sign, notice
  language 6.15.040
  placement 6.15.030
  posting 6.15.020

ANIMALS

Bees, apiaries
  definitions 7.12.010
  distance from
dwellings 7.12.060
roads 7.12.050
landowner permission required 7.12.070
  signs
  lettering 7.12.040
  location 7.12.030
  required 7.12.020
transportation 7.12.080
violations
  notice 7.12.090
  penalties 7.12.100
County provisions adopted 7.08.010
Odors, noise, insects 7.04.010
Violations, penalties 7.08.020

ARTS COMMISSION

Artwork
  appropriations 2.18.110
  selection, placement 2.18.120
Chair 2.18.050
Compensation 2.18.040
Created 2.18.010
Meetings 2.18.060
Membership, term, vacancies 2.18.030
Powers, duties
  construction of provisions 2.18.130
  designated 2.18.100
  recommendations to council 2.18.080
  Purpose of provisions 2.18.020
  Rules generally 2.18.090
  Staff liaison 2.18.070

ATTORNEY, CITY

Agreements on employment 2.14.100
Appointment, qualifications 2.14.020
Compensation 2.14.040
Council
  member eligibility 2.14.030
  relations 2.14.060
Departmental cooperation 2.14.070
Office
  created 2.14.010
  management, control 2.14.120
Powers, duties 2.14.050
Private practice limitation 2.14.140
Removal
  limitation 2.14.090
  procedure generally 2.14.080
Resignation 2.14.110
Special counsel employment 2.14.130

AVOCADOS

Definitions 5.30.020
Disposition by sale 5.30.080
Exemptions from provisions 5.30.090
Investigation, release to owner 5.30.070
Ownership statement
  obtaining, retaining 5.30.040
  presentation 5.30.050
  required 5.30.030
Purpose of provisions 5.30.010
Seizure, impoundment 5.30.060
Violations, penalties 5.30.100

— B —

BEACHES

See AGUA HEDIONDA LAGOON Ch. 11.24
PARKS, BEACHES Ch. 11.32
BICYCLES
License
  application 10.56.060
  fee 10.56.070
  operation without prohibited 10.56.110
  stickers, recordkeeping 10.56.080
Riding on sidewalk, public facilities 10.56.010
Sale, transfer report 10.56.100
Secondhand dealer reports 10.56.030
Violations, impoundment 10.56.040

BINGO
Appeals 5.10.120
Definitions 5.10.020
Generally 5.10.010
Inspections 5.10.100
License
  application 5.10.050
  denial, revocation, suspension 5.10.110
  fee 5.10.060
  investigation 5.10.070
  required 5.10.030
  term 5.10.040
  transferability 5.10.080
Regulations 5.10.090
Violations, penalties 5.10.130

BOARDS, COMMISSIONS
See also Specific Board, Commission
Citizenship required 2.08.090
Compensation 2.08.092
Meetings open to public 2.08.110
Removal 2.08.080
Vacancy filling 2.08.094

BRIDGES
Definitions 11.40.020
Prohibited acts 11.40.030
Purpose of provisions 11.40.010
Severability of provisions 11.40.050
Violations, penalties 11.40.040

BUILDING
Certificate of noncompliance 18.04.315

Code
adopted 18.04.010
amendments 18.04.015, 18.04.020,
  18.04.030—18.04.230
violations, penalties 18.04.310
Conservation code adopted 18.07.020
Deductions, improvements
  appeals 18.40.080
  applicability of provisions 18.40.120
  construction 18.40.060
  deferral of requirements
    conditions 18.40.090
    when 18.40.070
  definitions 18.40.020
  findings, purpose 18.40.010
  permit denial 18.40.110
  required 18.40.030, 18.40.040
  requirements waiver, modification 18.40.100
  utility relocations 18.40.050
Improvements
  See Dedications, improvements
Moving
  appeals 18.24.060
  permit
    application 18.24.020
    conditions 18.24.050
    fee 18.24.030
    issuance 18.24.040
    required 18.24.010
  removal by city 18.24.070
Official, designated 18.04.025
Permit moratorium
  purpose of provisions 18.05.010
  sewer
    allocation system 18.05.030
    generally 18.05.020
Street name signs 18.04.330
Unreinforced masonry
  actions by official 18.07.030
  definitions 18.07.040
  title of provisions 18.07.010

BUSINESS LICENSES
See also Specific Business
Administration 5.04.150
CAMPING

Amnesty period 5.04.025
Appeals 5.04.090
Constitutional apportionment 5.04.085
Definitions 5.04.010
Denial for hazardous business 5.04.120
Display, posting 5.04.070
Duplicate 5.04.050
Exemptions from provisions 5.04.080
New construction license tax
  credit 5.09.040
  definitions 5.09.020
  effective date 5.09.120
  exceptions to provisions 5.09.080
  exemptions from provisions 5.09.090
  failure to pay, effect 5.09.100
  imposed, amount 5.09.030
  increase, effective date 5.09.130
  liability, enforcement 5.09.110
  payment time, place 5.09.050
  purpose of provisions 5.09.010
  refunds 5.09.060
  use of proceeds 5.09.070
Permits, franchise in lieu 5.04.140
Required 5.04.020
Separate for each location 5.04.060
Tax
  adjustment 5.04.130
  designated
    generally 5.08.015—5.08.190
    gross receipts 5.08.010
Transferability 5.04.040
Unlawful operation, nuisances 5.04.100
Vested rights 5.04.110
Violations
  penalties 5.04.030
  state, federal law 5.04.160

CARDROOMS

Alcoholic beverages prohibited 5.12.080
Cashing bank checks 5.12.110
Definitions 5.12.010
Exceptions to provisions 5.12.025
Existing, effect 5.12.030
Fee collection 5.12.150
License
  number, transferability 5.12.060
  revocation, suspension 5.12.050
Prohibited 5.12.020
Rates 5.12.090
Rules, regulations 5.12.070
Scope of provisions 5.12.160
Signs
  exterior 5.12.130
  interior 5.12.140
Supervision 5.12.120
Table stakes 5.12.100
Violations, penalties 5.12.170
Work permit 5.12.040

CHARTER

Amendment, repeal 800
City
  affairs generally 101
  incorporation, succession 102
  powers
    additional 600
    generally 100
Construction of provisions 700
Contract procedures 404
Economic, community development 400
Finance
  enterprises 403
  revenue
    benefit retention 502
    mandates limited 501
    reduction prohibited 500
  standards, procedures 401
Form of government 200
Growth control 300
Revenue
  See Finance
CLAIMS

Severability of provisions 701
Utility franchises 402

CLAIMS
Contractors
conduct required 3.32.027
disqualification
procedures 3.32.028
when 3.32.026
For damage 3.32.040
Demand payment
procedure 3.32.010
ratification 3.32.020
False, penalties 3.32.025
Notice 3.32.029
Refunds 3.32.030

CLERK, CITY
Compensation 2.08.030
Qualifications 2.08.032

CODE
Administrative remedies
actions pending, notice 1.10.050
authority 1.10.020
citations
appeals 1.10.120
contents 1.10.090
failure to pay 1.10.110
issuance 1.10.070
penalty assessment 1.10.100
procedures 1.10.080
definitions 1.10.010
hearings
officer 1.10.140
procedure 1.10.130
notice of violation
issuance 1.10.030
service 1.10.040
purpose of provisions 1.10.005
remedies not exclusive 1.10.060
Adopted 1.01.010
Codification authority 1.01.040
Definitions 1.01.050
Effective date 1.01.090

Effect on past actions, obligations 1.01.080
Headings 1.01.060
Judicial review time limits
court proceedings 1.16.020
generally 1.16.010
Liability limitation 1.01.110
Reference
applies to amendments 1.01.030
to ordinances 1.01.070
Severability of provisions 1.01.100
Title of provisions 1.01.020
Violations
See also Administrative remedies
enforcement authority 1.08.020
penalties 1.08.010

COUNCIL, CITY
Actions
protest 1.20.280
reconsideration 1.20.390
Appeals 1.20.600
Compensation 2.04.010
Correspondence
authority of city manager 1.20.080
availability to public 1.20.070
Document amendment 1.20.560
Eligibility 2.04.060
Failure to observe rules 1.20.590
Hearings, public
closing 1.20.460
continuation 1.20.450
decision 1.20.480
evidence 1.20.440
motions
generally 1.20.490
precedence 1.20.500
specific 1.20.510
procedure 1.20.430
reopening 1.20.470
when 1.20.420
Meetings
addressing council
nonhearing items 1.20.290
by public, nonagenda items 1.20.305
purpose of provisions 1.20.300
CURFEW

- spokesperson 1.20.302
- adjourned 1.20.030
- agenda 1.20.060
- call to order 1.20.120
- closing debate 1.20.260
- conduct of business 1.20.100
- consent calendar 1.20.180
- decorum, order
  - council, staff 1.20.310
  - enforcement 1.20.330
  - public attendance 1.20.320
- emergency 1.20.025
- gaining floor 1.20.210
- interruptions 1.20.230
- minutes
  - distribution 1.20.160
  - generally 1.20.150
  - reading 1.20.140
- order of business 1.20.110
- personal privilege points 1.20.250
- points of order 1.20.240
- presiding officer
  - designated 1.20.190
  - powers, duties 1.20.200
- public, exceptions 1.20.050
- questions
  - calling 1.20.270
  - to staff 1.20.220
- quorum 1.20.090
- recording 1.20.170
- regular 1.20.010
- Robert’s Rules of Order 1.20.570
- roll call 1.20.130
- special 1.20.020
- voting
  - changing 1.20.380
  - conflict of interest 1.20.350
  - failure to vote 1.20.360
  - procedure 1.20.340
  - tie 1.20.370

Ordinances
- adoption 1.20.550
- effective date 1.20.610

Ordinances, resolutions
  See also Ordinances
  Resolutions
  - legislative action 1.20.530
  - preparation 1.20.400
  - reading 1.20.410
  - Policy manual 1.20.580
  - Reorganization 2.04.050
- Resolutions
  See also Ordinances, resolutions
  - adoption 1.20.540
  - generally 1.20.520
  - Vacancy filling 2.04.030

CURFEW
  See MINORS Ch. 8.04

— D —

DANCES
  Permit issuance 8.08.010

DANGEROUS BUILDINGS CODE
  Adopted 18.19.010
  Building official designated 18.19.020
  Violations, penalties 18.19.030

DEDICATIONS
  See BUILDING Ch. 18.40

DISASTER COUNCIL
  See EMERGENCY SERVICES Ch. 6.04

DOCUMENTARY STAMP TAX
  Administration 3.16.090
  Exemptions from provisions
  conveyances
    - in lieu of foreclosure 3.16.081
    - reorganization, adjustments 3.16.060
  - Securities, Exchange Commission
    3.16.070
    - between spouses 3.16.082
  - federal agencies 3.16.050
  - instruments to secure debt 3.16.040
DONATIONS TO CITY
Authority 2.08.100

DRAINAGE AREA FEES
Advance of funds by city 15.08.090
Assessment districts 15.08.070
Deferral 15.08.110
Definitions 15.04.020, 15.08.015
Expiration of provisions 15.08.100
Generally 15.08.040
Purpose of provisions 15.08.010
Reimbursement agreements 15.08.080
Required for development 15.08.020
Requirements 15.08.030
Title of provisions 15.04.010
Use of revenue 15.08.060

DRAINAGE COURSE OBSTRUCTION
See NUISANCES Ch. 6.16

DRUGS
See also MINORS Ch. 8.45
Prescription, unwanted, unused
collection, disposal 6.10.030
definitions 6.10.020
purpose of provisions 6.10.010

— E —

ELECTIONS
Campaign disclosure
cash contributions prohibited 1.13.030
construction of provisions 1.13.050
definitions 1.13.020
electronic filing 1.13.026
purpose of provisions 1.13.010
requirements 1.13.025
violations, penalties 1.13.040
Filing fee 1.12.010
General, date 1.12.020

ELECTRICAL CODE
Adopted 18.12.010
Applicability of provisions 18.12.020
Building official designated 18.12.030
Certificate of noncompliance 18.12.227
Permits
application 18.12.130
exceptions to provisions 18.12.090
expiration 18.12.100
fees 18.12.220
required 18.12.080
scope 18.12.120
Temporary meters 18.12.215
Violations, penalties 18.12.225

EMERGENCY MEDICAL TRANSPORTATION
Fees 6.06.040
Operation procedures 6.06.030
Purpose of provisions 6.06.020
Service established 6.06.010

EMERGENCY SERVICES
Agreement with county 6.04.010
Definitions 6.04.020
Director, assistant director
designated 6.04.090
powers, duties 6.04.100
Disaster council
composition, appointment, officers 6.04.060
created 6.04.050
meetings 6.04.070
powers, duties 6.04.080
Expenditures 6.04.040
Organization 6.04.110
Plan 6.04.120
Purpose of provisions 6.04.030
Violations, penalties 6.04.130

ENERGY CODE
Adopted 18.30.010
Building official designated 18.30.030
Permit fees 18.30.050
ENGINEER, CITY

Purpose of provisions 18.30.020
Solar alternative design 18.30.040

ENTERTAINMENT
See also DANCES Ch. 8.08
SPECIAL EVENTS Ch. 8.17
Appeals 8.09.150
Definitions 8.09.020
Exemptions from provisions 8.09.040
License
application, modification 8.09.060
cabaret, nonrenewal 8.09.050
fee 8.09.070
issuance 8.09.080
required 8.09.030
revocation, suspension 8.09.140
term 8.09.130
Operation standards, conditions
Class II establishments 8.09.100
generally 8.09.090
Public safety threats 8.09.120
Purpose of provisions 8.09.010
Severability of provisions 8.09.160
Sound, noise measurement 8.09.110
Violations, penalties 8.09.170

ENVIRONMENTAL PROTECTION
Consolidation 19.04.150
Exemptions from provisions
appeals 19.04.080
determination 19.04.060
procedures 19.04.070
Hearing 19.04.140
Impact report
appeals 19.04.170
draft review time extension 19.04.130
preparation 19.04.120
Indemnification of applicant 19.04.200
Initial study 19.04.090
Mitigation monitoring, reporting 19.04.180
Negative declaration
appeals 19.04.110
mailing 19.04.100
Notice
mailing 19.04.190
recordation 19.04.215
Purpose of provisions 19.04.010
Responsibilities
city council 19.04.050
city planner 19.04.030
planning commission 19.04.040
Severability of provisions 19.04.220
State guidelines adopted 19.04.020
Time limits 19.04.160
Violations, penalties 19.04.210

ESCORT SERVICES
Authority 5.17.210
Change of
location 5.17.120
manager 5.17.130
Definitions 5.17.020
Escort license
See also License
application requirements 5.17.170
required 5.17.160
Facilities 5.17.080
Inspections 5.17.150
License
See also Escort license
application requirements 5.17.040
display 5.17.090, 5.17.220
fee 5.17.050
investigation 5.17.060
issuance, denial 5.17.070
required 5.17.030
revocation, suspension 5.17.230
transferability 5.17.140
Name of business 5.17.100
Operating requirements 5.17.190
Operative date 5.17.180
Patron obligations 5.17.200
Purpose of provisions 5.17.010
Severability of provisions 5.17.260
Telephone numbers 5.17.110
FINANCIAL MANAGEMENT DIRECTOR

Violations
  injunctive relief 5.17.240
  penalties 5.17.250

--- F ---

FINANCIAL MANAGEMENT DIRECTOR
  Appointment 2.20.020
  Compensation 2.20.050
  Office created, authority 2.20.010
  Powers, duties 2.20.060
  Qualifications 2.20.030
  Temporary when 2.20.070

FIREARMS
  Discharge
    air guns, BB guns, prohibited 8.16.015
    permit 8.16.020
    prohibited 8.16.010

FIRE CODE
  Adopted 17.04.010
  Amendments 17.04.020—17.04.790

FOOD VENDING
  See HEALTH, SANITATION Ch. 6.02

FORTUNETELLING
  Definitions 5.50.010
  Exemptions from provisions
    entertainment 5.50.100
    religious practices 5.50.110
  Permit
    application 5.50.030
    fee 5.50.050
    investigation 5.50.040
    issuance after revocation 5.50.090
    renewal 5.50.080
    required 5.50.020
    revocation 5.50.070
    term 5.50.060

FUNDS
  See also Specific Fund
  Securities, retention in trust 3.34.010

--- G ---

GASOLINE PRICE ADVERTISING
  Consistency with
    Business, Professions Code 8.49.030
    sign regulations 8.49.040
  Required 8.49.010
  Sale by liters 8.49.020

GAS TAX STREET IMPROVEMENT FUND
  Created 3.20.010
  Expenditures 3.20.030
  Moneys paid into 3.20.020

GOLF LODGING BUSINESS IMPROVEMENT DISTRICT
  Advisory board 3.38.100
  Assessments
    collection order 3.38.060
    failure to pay, penalty 3.38.080
    generally 3.38.090
    levy, collection 3.38.050
    refund 3.38.055
    use of proceeds 3.38.070
  Boundaries 3.38.040
  Definitions 3.38.010
  Established 3.38.030
  Findings 3.38.020
  Severability of provisions 3.38.110

GRADING, EROSION CONTROL
  Administration 15.16.030
  Agreement, securities 15.16.140
  Appeals 15.16.160
  Definitions 15.16.040
  Minor 15.16.062
  Permit
    application 15.16.070
    exemptions from provisions 15.16.060
    investigation, fee 15.16.180
GREEN BUILDING STANDARDS CODE

issuance 15.16.110
limitations, requirements 15.16.120
required 15.16.050
submittals 15.16.080
withdrawal 15.16.100

Plan
application 15.16.065
information required 15.16.067

Pollution prevention plan 15.16.085
Prohibited acts 15.16.170
Purpose of provisions 15.16.020
Responsibilities 15.16.130
Title of provisions 15.16.010
Uncontrolled stockpiles 15.16.150
Violations, penalties 15.16.190

GREEN BUILDING STANDARDS CODE

Adopted 18.21.010
Building official designated 18.21.020
Permit fees 18.21.030

HAZARDOUS MATERIALS
County code adopted 6.03.010
Exemptions from disclosure 6.03.040
Fees 6.03.020
Violations, penalties 6.03.030

HEALTH, SANITATION
County code adopted 6.02.010
Mobile food preparation units 6.02.040
Permit fees 6.02.030
Violations, penalties 6.02.020

HISTORIC PRESERVATION
Applicability of provisions 22.02.030
Commission
created 2.42.010
membership 2.42.020
powers, duties 2.42.040
rules, regulations 2.42.050
term of office 2.42.030
Definitions 22.02.040

District designation 22.06.040
Environmental document review 22.02.050
Existing improvements 22.08.050
Landmark designation 22.06.030
Maintenance required 22.08.040

Permits
criteria 22.08.030
generally 22.08.010
procedure 22.08.020
Purpose of provisions 22.02.020
Resources inventory
criteria 22.06.020
established 22.06.010
Title of provisions 22.02.010

HOUSING
Code
adopted 18.06.010
building official designated 18.06.020
violations, penalties 18.06.030
Commission
established 2.40.010
functions 2.40.060
meetings
generally 2.40.040
quorum, voting 2.40.050
membership 2.40.020
qualifications 2.40.030
relocation appeals board 2.40.080

IMPROVEMENTS
See BUILDING Ch. 18.40
SUBDIVISIONS Ch. 20.16

JUNK
Accumulation
nuisance 6.12.020
prohibited 6.12.030
regulations 6.12.040
Definitions 6.12.010
Exceptions to provisions 6.12.050
Firewood 6.12.060
Violations
determination 6.12.070
failure to comply 6.12.110
hearing, findings 6.12.100
notice
appeals 6.12.090
service, form 6.12.080

— L —

LIBRARY
Free use 2.16.105
Trustees board
administrative trusts 2.16.055
created 2.16.005
meetings
monthly 2.16.025
quorum 2.16.035
recordkeeping 2.16.045
special 2.16.030
membership, appointment, term 2.16.010
powers, duties
contract for lending books, compensation 2.16.110
funds safety, preservation 2.16.095
incidental 2.16.085
materials borrowing 2.16.080
president 2.16.040
real property
purchase 2.16.070
title to 2.16.115
recommendations to council 2.16.060
report, annual 2.16.090
state publications 2.16.075
Trust fund 3.24.010

— M —

MANAGER, CITY
Agreements on employment 2.12.140
Commission meeting attendance 2.12.125
Compensation 2.12.030
Council
member eligibility 2.12.015
relations 2.12.110
Departmental cooperation 2.12.115
Office created, appointment 2.12.005
Powers, duties
delegation 2.12.040
designated 2.12.035
Pro tempore 2.12.025
Removal
limitation 2.12.135
procedure generally 2.12.130
Residency 2.12.010
Resignation 2.12.145

MASSAGE
Appeals 5.16.210
Authority 5.16.030
Business license 5.16.080
Certificate, registration
application requirements 5.16.050
compliance period 5.16.045
display 5.16.120
expiration, renewal 5.16.160
fee 5.16.070
hearing 5.16.200
individual, transferability 5.16.150
issuance 5.16.060
notice of changes 5.16.140
reapplication after denial 5.16.220
required 5.16.040
revocation, suspension
business, grounds 5.16.170
generally 5.16.190
individual, grounds 5.16.180
transferability 5.16.130
Definitions 5.16.020
Exemptions from provisions 5.16.090
Health, safety requirements 5.16.100
Inspections 5.16.110
Interpretation of provisions 5.16.250
Purpose of provisions 5.16.010
Severability of provisions 5.16.260
MAYOR

Violations
   nuisance 5.16.230
   penalties 5.16.240

MECHANICAL CODE

Adopted 18.08.010
Building official designated 18.08.020
Certificate of noncompliance 18.08.040
Permit fees 18.08.050
Violations, penalties 18.08.030

MINI-SATELLITE WAGERING

Definitions 8.80.020
Prohibited acts 8.80.030
Purpose of provisions 8.80.010

MINORS

Alcohol, drugs at parties, events
   consumption prohibited 8.45.020
   definitions 8.45.010
   enforcement cost recovery 8.45.045
   hosting, permitting prohibited 8.45.030
   legal options reserved 8.45.060
   severability of provisions 8.45.050
   violations, penalties 8.45.040

Curfew
   definitions 8.04.020
   exceptions to provisions 8.04.050
   prohibited acts
      by adults 8.04.040
      by juveniles 8.04.030

NOISE

Construction hours 8.48.010
Exceptions to provisions 8.48.020
Signs 8.48.030

NUDITY

Definitions 11.28.020, 11.28.030
Exceptions to provisions 11.28.050
Public, prohibited 11.28.040
Purpose of provisions 11.28.010

NUISANCES

Abatement
   costs
      accounting 6.16.050
      collection 6.16.090
      determination 6.16.070
      lien 6.16.080
      report, copies 6.16.060
      failure 6.16.040
summary 6.16.150
Appeals 6.16.030
Designated 6.16.010
Determination 6.16.020
Drainage course obstruction
  abatement procedure 6.16.130
  generally 6.16.120
  mandatory duty 6.16.140
Purpose of provisions 6.16.005

— O —

OFFICERS, EMPLOYEES
  See also Specific Officer, Employee
  PERSONNEL Ch. 2.44
Bond 2.08.040
Conflict of interest
  construction of provisions 1.14.050
  definitions 1.14.020
  disqualification 1.14.030
  purpose of provisions 1.14.010
  violations, penalties 1.14.040
Criminal conduct, effect
  employment ineligibility 2.52.020
  licenses, permits 2.52.010
Location of offices, hours 2.08.050
Peace officer training, state aid 2.08.070
Vacation, sick leave, holiday pay 2.08.060

— P —

PARKING
  Adjacent to schools 10.40.030
  Angle
    signs 10.40.025
    streets designated 10.40.080
  Applicability of provisions 10.40.005
  Emergencies, signs 10.40.065
Loading zones
  alleys 10.40.115
  authority 10.40.085
  bus zones 10.40.120
  curb markings 10.40.090
parking in
  passenger zones 10.40.110
  yellow zones 10.40.105
  permission, effect 10.40.100
  permit required when 10.40.095
Overnight, prohibited where 10.40.130
Oversize vehicles 10.40.180
Parallel with curb 10.40.020
Prohibited
  See also Restricted streets designated
    acts generally 10.40.015
    all times designated 10.40.055
    narrow streets 10.40.035
    unattached trailers, semi-trailers 10.40.151
Restricted streets designated 10.40.056—
  10.40.061, 10.40.040—10.40.054, 10.40.064,
  10.40.066—10.40.074, 10.40.076—10.40.078,
  10.40.083, 10.40.131, 10.40.135, 10.40.171
Saturday, Sunday, holidays 10.40.140
Space markings 10.40.145
Street sweeping restrictions 10.40.150
Time limits
  business districts 10.40.125, 10.40.126
  designated 10.40.062, 10.40.063, 10.40.072,
    10.40.079, 10.40.082—10.40.084,
    10.40.127, 10.40.128, 10.40.129
  over 72 hours prohibited 10.40.010
  streets designated 10.40.155—10.40.170
Violations
  disabled parking, special enforcement
    10.42.020
  penalties 10.42.010

PARKS, BEACHES
  See also AGUA HEDIONDA LAGOON
    Ch. 11.24
Dances, permit required 11.32.050
Definitions 11.32.015
Prohibited acts
  generally 11.32.030
  glass containers 11.32.040
  smoking 11.32.110
Purpose of provisions
  beaches 11.32.020
  parks 11.32.010
PARKS, RECREATION COMMISSION

Seawall, pedestrians only 11.32.070
Surfboarding
  areas restricted 11.32.080
  lifesaving devices 11.32.100
  prohibited when 11.32.090
Violations, property seizure 11.32.060

PARKS, RECREATION COMMISSION
Budget 2.36.100
Chair 2.36.040
Compensation 2.36.030
Construction of provisions 2.36.110
Created 2.36.010
Funds, disposition 2.36.090
Meetings 2.36.060
Membership, term, vacancies 2.36.020
Powers, duties
  additional 2.36.075
  generally 2.36.070, 2.36.080

PERSONNEL
Appeals 2.44.095
Applicability of provisions 2.44.080
Appointments 2.44.050
Contracting special services 2.44.140
Contribution solicitation 2.44.130
Discrimination 2.44.120
Employer-employee relations
  construction of provisions 2.48.040
  purpose of provisions 2.48.020
  rules, regulations 2.48.030
  title of provisions 2.48.010
Exceptions to provisions
  designated 2.44.030
  volunteers, contractors 2.44.035
Existing employees, effect 2.44.070
Funds appropriation 2.44.150
Officer 2.44.020
Political activity
  regulations 2.44.110
  state laws, conformance 2.44.100
Positions, abolition 2.44.090
Probationary period 2.44.060
Rules adoption, amendment 2.44.040

Severability of provisions 2.48.050
System adopted 2.44.010

PICKETING
Prohibited acts 8.54.020
Purpose of provisions 8.54.010

PLANNING COMMISSION
Composition, appointment 2.24.020
Created 2.24.010
General plan conformance 2.24.065
Meetings
  absence from 2.24.030
  quorum, vote 2.24.070
  regular, adjourned 2.24.040
Officers, rule adoption, recordkeeping 2.24.050
Powers, duties 2.24.060

PLUMBING CODE
Adopted 18.16.010
Amendments 18.16.080—18.16.130
Building official designated 18.16.030
Installation, materials standards 18.16.060
Permit expiration 18.16.040

POLICE DEPARTMENT
See also SPECIAL EVENTS Ch. 8.17
Special services fee
  designated
    parties requiring second response 3.36.040
    special events 3.36.020
  established 3.36.010
  waiver 3.36.030

PROPERTY
See also REAL PROPERTY Ch. 1.24
Lost, unclaimed
  auction
    procedure 3.30.070
    use of proceeds 3.30.080
  city personnel claim prohibited 3.30.100
  destruction when 3.30.090
disposition to
city 3.30.050
PURCHASING

See also REAL PROPERTY Ch. 1.24
Authority 3.28.040
Change orders, amendments 3.28.090
Competitive negotiations 3.28.070
Construction projects 3.28.080
Cooperative 3.28.100
Definitions 3.28.030
Design-build contracts 3.28.085
Emergencies 3.28.120
Exemptions from provisions 3.28.110
Procurement
    goods 3.28.050
    services 3.28.060
Purpose of provisions 3.28.020
Severability of provisions 3.28.140
Surplus property
    authority 3.29.030
    disposal required 3.29.020
    donations 3.29.060
    no value 3.29.040
    purchase by city personnel prohibited 3.29.080
    recordkeeping 3.29.050
    report 3.29.010
    use of proceeds 3.29.070
Title of provisions 3.28.010

REAL PROPERTY

Acquisition by city
    amendment, repeal 1.24.070
    cost determination 1.24.040
    exemptions from provisions 1.24.060
    guidelines 1.24.050
    vote required 1.24.030
Definitions 1.24.020

Lease by city, long-term 11.02.010
Purpose of provisions 1.24.010

RESIDENTIAL CODE

Adopted 18.20.010
Building official designated 18.20.020
Permit fees 18.20.030

SALES, USE TAX

Contract with state 3.08.050
Enjoining collection prohibited 3.08.160
Exclusions, exemptions
    applicability of provisions 3.08.140
    designated 3.08.120, 3.08.130
Imposed
    sales tax 3.08.060
    use tax 3.08.080
Operative date 3.08.030
Permit not required 3.08.110
Place of sale 3.08.070
Purpose of provisions 3.08.040
Rate 3.08.020
Severability of provisions 3.08.180
Statutory provisions
    adopted 3.08.090
    amendments 3.08.150
    limitations 3.08.100
Title of provisions 3.08.010
Violations, penalties 3.08.170

SENIOR COMMISSION

Construction of provisions 2.38.060
Created 2.38.010
Functions 2.38.040
Fund disposition 2.38.050
Meetings 2.38.030
Membership, appointment, term 2.38.020

SEWERS

Connection permit required 13.04.040
Construction
    equivalent dwelling units 13.10.020
permits required 13.10.010
Definitions 13.04.010
Discharges
See also Fats, oils, grease
Industrial waste
overflow prohibited 13.04.035
Facilities, damage to 13.04.070
Fats, oils, grease
appeals 13.06.180
best management practices 13.06.030
commercial property 13.06.060
compliance monitoring 13.06.140
facility site plans, drawings 13.06.080
generally 13.06.010
inspections, sampling 13.06.150
interceptor
maintenance 13.06.130
requirements 13.06.090
mitigation fees 13.06.070
monitoring 13.06.110
notice of changes 13.06.170
pretreatment required 13.06.040
prohibited acts 13.06.020
requirements 13.06.120
right of entry 13.06.160
trap requirements 13.06.100
variances, waivers 13.06.050
Fees
benefit areas A through M 13.10.080
capacity 13.10.030
deferral 13.10.100
Lake Calaveras Hills treatment plant
capital contribution 13.10.070
service area 13.10.060
pumping plant capital contribution 13.10.040
sewer main 13.10.050
Industrial waste
damage to system, liability 13.16.100
disconnection, notice 13.16.080
enforcement of provisions 13.16.090
information, public access 13.16.053
permit
expiration, revocation, suspension 13.16.060
issuance 13.16.050
required 13.16.040
revisions 13.16.054
pretreatment plans 13.16.051
rules, regulations authority 13.16.030
self-monitoring, reporting 13.16.052
title of provisions 13.16.010
violations, penalties 13.16.070
Main, costs
alternate procedure 13.08.035
extensions, oversizing 13.08.040
generally 13.08.030
plat map 13.08.020
proportionate, required for connection 13.08.010
reimbursement
method 13.08.060
when 13.08.050
Maintenance responsibility 13.04.045
Prohibited acts 13.04.050
Septic systems
application procedure
existing lots 13.20.040
subdivisions 13.20.050
authority 13.20.060
connection to sewer when 13.20.030
requirements 13.20.020
restrictions generally 13.20.010
Service charges
adjustment 13.12.090
applicability of provisions 13.12.030
collection 13.12.050
definitions 13.12.010
deposits 13.12.060
determination 13.12.080
established 13.12.020
failure to pay, effect 13.12.070
Unsanitary deposits 13.04.020
Use required 13.04.030
Violations
health, safety, welfare 13.04.090
penalties 13.04.080

SIGNS ON CITY PROPERTY
Banners 11.44.090
SKATEBOARDS, ROLLERSKATES

Permit
A-frames in Carlsbad Village area 11.44.050
application, procedures 11.44.020
exemptions from provisions 11.44.040
Permitted, exempted 11.44.010
Purpose of provisions 11.44.005
Real estate 11.44.060
Severability of provisions 11.44.130
Special events 11.44.080
Temporary
political during campaigns 11.44.070
regulations generally 11.44.030
Violations
penalties 11.44.120
remedies 11.44.110
Way-finding 11.44.100

SKATEBOARDS, ROLLERSKATES
Interference with traffic, pedestrians 10.58.050
Parks, safety equipment 10.58.060
Prohibited
Carlsbad village area 10.58.020
commercial zone 10.58.010
in public buildings 10.58.030
public drainage, sports facilities 10.58.040
school grounds 10.58.015
where posted 10.58.025

SMOKING
Definitions 6.14.020
Distances required 6.14.040
Electronic cigarette restrictions 6.18.010
Prohibited
ashtrays in prohibited areas 6.14.070
options 6.14.050
where generally 6.14.030
Purpose of provisions 6.14.010
Sign posting 6.14.060
Violations, penalties 6.14.080

SOLAR ENERGY CODE
Adopted 18.18.010
Building official designated 18.18.020
Permit fees 18.18.040
Violations, penalties 18.18.030

SOLICITORS, PEDDLERS, VENDORS
Business license required 8.32.060
Hours restricted 8.32.050
Ice cream trucks 8.32.015
To persons in vehicles prohibited 8.28.050
Private property, entering prohibited 8.32.040
Sale, display, storage in public ways 8.32.010
Street fairs 8.32.030
Temporary permits 8.32.020

SOLID WASTE
Collection
amount limit 6.08.060
bulky waste 6.08.130
contracts 6.08.180
multiple tenant service 6.08.150
rates, fees
established 6.08.190
liability 6.08.210
payment 6.08.200
shared service 6.08.140
special service 6.08.120
unauthorized, scavenging 6.08.170
Containers
access 6.08.110
area cleanliness 6.08.045
cleanliness 6.08.040
covering 6.08.050
generally 6.08.030
placement for collection
area designated 6.08.080
timing 6.08.090
unlawful acts 6.08.100
residential cart weight 6.08.060
Definitions 6.08.010
Enforcement of provisions 6.08.220
Hauling 6.08.160
Requirements generally 6.08.020
Severability of provisions 6.08.230

SPECIAL EVENTS
Appeals 8.17.160
Calendar 8.17.180
Committee 8.17.050
Definitions 8.17.020
SPEED CONTESTS

Indemnification of city 8.17.090
Insurance required 8.17.100
Notice requirements 8.17.120
Permit
alternatives 8.17.150
application 8.17.060
contents 8.17.190
denial
   grounds 8.17.130
   notice 8.17.140
exceptions to provisions 8.17.040
fee 8.17.070
issuance, notice 8.17.170
required 8.17.030
revocation 8.17.210
Police protection, emergency services 8.17.080
Purpose of provisions 8.17.010
Severability of provisions 8.17.220
Signs 8.17.110
Violations, penalties 8.17.200

SPEED CONTESTS
See VEHICLES Ch. 8.29

STATE VIDEO FRANCHISES
Applications, city response 5.29.120
City rights reserved 5.29.020
Compliance with provisions 5.29.030
Construction
   permits 5.29.140
   in public right-of-way 5.29.130
Customer service standards, penalties 5.29.110
Definitions 5.29.040
Emergency alert system 5.29.160
Fees
   audit authority 5.29.080
   generally 5.29.050
   late payment 5.29.090
   payment 5.29.070
PEG 5.29.060
Lease of city network 5.29.100
PEG programming 5.29.170
Purpose of provisions 5.29.010
Right-of-way management 5.29.150

STORMWATER MANAGEMENT
Administration 15.12.030
Applicability of provisions 15.12.040
Best management practices 15.12.095
Conveyance system protection 15.12.090
Definitions 15.12.020
Illicit connections 15.12.070
Inspections
   authority 15.12.100
   procedures 15.12.110
Pollutant reduction 15.12.080
Pollution prevention
   compliance required for
      development 18.48.030
      permit issuance 18.48.040
   definitions 18.48.020
   permit denial 18.48.050
   purpose of provisions 18.48.010
Prohibited discharges
   designated 15.12.050
   exemptions from provisions 15.12.055
   in violation of permit 15.12.060
Purpose of provisions 15.12.010
Spill containment, cleanup 15.12.120
Testing, monitoring, mitigation 15.12.130
Violations
   administrative penalties 15.12.150
   concealment 15.12.140
   judicial enforcement 15.12.170
   notice, hearing 15.12.160
   nuisance 15.12.180
   remedies not exclusive 15.12.190

STREETS, SIDEWALKS
Appeals 11.04.040
Dedication authority delegation
   public trails 11.04.060
   streets, public purposes 11.04.050
Encroachments
   appeals 11.16.120
   authority 11.16.030
   definitions 11.16.020
   exemptions from provisions 11.16.170
   improvement
      plans 11.16.145
security 11.16.146
liability of city 11.16.160
materials, obstructions 11.16.150
performance deposits 11.16.140
permit
application 11.16.060
denial, revocation 11.16.110
fees 11.16.130
required 11.16.050
structure relocation 11.16.070
title of provisions 11.16.010
work
acceptance 11.16.100
commencement, completion 11.16.080
performance standards 11.16.090
Sidewalk
installation 11.04.010
width requirements 11.04.020
Tree wells 11.04.030

SUBDIVISIONS
Adjustment plat
appeals 20.36.080
applicability of provisions 20.36.020
application 20.36.030
approval conditions 20.36.060
authority 20.36.040
certification 20.36.070
decision, findings announcement 20.36.075
purpose of provisions 20.36.010
revised 20.36.050
Appeals
See also Specific Subject
of violations 20.48.050
Applicability of provisions 20.04.050
Certificate of compliance 20.48.040
Compliance required 20.04.030
Dedications
See also Recreational facilities
right-of-way 20.16.030
Definitions 20.04.020
Design standards
heating, passive, natural 20.16.015
street plans 20.16.020
subdivision 20.16.010
Easement covenants 20.04.140
Environmental
abandonment 20.22.060
definitions 20.22.020
findings 20.22.040
impact review 20.04.070
improvements, dedications, design
20.22.050
parcel map required 20.22.030
purpose of provisions 20.22.010
Existing parcels, effect 20.48.090
Fees
bridges, major thoroughfares 20.08.140
certificate of compliance 20.08.110
exemptions from calculation 20.08.120
final map 20.08.040
improvement plan review, inspections 20.08.050
notice 20.08.045
parcel map 20.08.070
plat adjustment 20.08.090
required for drainage, sewer facilities 20.08.130
reversion to acreage 20.08.100
tentative map
appeal 20.08.015
extension 20.08.030
generally 20.08.010
litigation stay 20.08.035
revised 20.08.020
tentative parcel map
extension 20.08.080
generally 20.08.060
Final map
appeals 20.20.165
approval authority 20.20.020
certificates, additional 20.20.110
certificate stamping, printing 20.20.150
conformance with tentative map 20.20.010
dedication offer 20.20.030
easement recordation 20.20.070
form approval 20.20.140
information, additional 20.20.060
lien of owner, notice 20.20.115
lines established 20.20.100
lot numbers  20.20.090
open space easement  20.20.040
soil report  20.20.160
survey data  20.20.080
title company
certificate, report  20.20.120
guarantee  20.20.130
transmittal  20.20.170
type required  20.20.050
Housing need determination  20.04.130
Improvements
agreement  20.16.060
generally  20.16.040
off-site, property acquisition  20.16.095
security
amount  20.16.080
forfeiture  20.16.100
release  20.16.090
required  20.16.070
supplemental
drainage, sewer, bridges, thoroughfares  20.16.043
reimbursement agreement  20.16.042
required  20.16.041
Major
appeals, effective date  20.12.093
application, time limits  20.12.015
authority  20.12.090
city planner duties  20.12.070
design requirements
  See Design standards
findings  20.12.091
grading plan  20.12.020
mobile home park conversion  20.12.062
notice
  hearing  20.12.080
  proof  20.12.065
tentative map
  amendment  20.12.120
decision, findings announcement  20.12.092
expiration  20.12.100
extension  20.12.110
information required  20.12.050
required  20.12.010
size  20.12.040
supplemental information  20.12.060
title report  20.12.030
vesting tentative maps  20.12.130
Map
  See also Specific Map
act  20.04.040
corrections, amendments  20.04.100
Mergers
  applicability of provisions  20.04.055
determination request  20.04.057
unmerger  20.04.056
Minor
  authority  20.24.120
city planner responsibility  20.24.100
dedication, access
generally  20.28.030
procedure  20.28.050
waiver of access  20.28.040
design
  generally  20.28.010
  panhandle lots  20.28.020
findings  20.24.130
generally  20.24.010
grading plan  20.24.050
improvements
  agreement  20.28.070
covenants  20.28.100
lien contract  20.28.090
off-site  20.28.095
required  20.28.060
mobile home park conversions  20.24.065
monuments, flagging  20.28.110
notice
  proof  20.24.110
  requirements  20.24.115
parcel map waiver  20.24.150
tentative parcel map
  amendment  20.24.185
application, time limits  20.24.030
decision, findings announcement  20.24.135
effective date, appeals  20.24.140
expiration  20.24.160
extension  20.24.180
information required  20.24.040
replacement  20.24.070
required  20.24.020
review  20.24.090
revised  20.24.080
title report  20.24.060
vesting tentative parcel map  20.24.190
Monuments  20.16.050
Parcel maps
approval authority  20.32.020
certificates
  additional  20.32.040
  stamping, printing  20.32.060
conformance with tentative parcel map  20.32.010
data, additional  20.32.070
inundation areas  20.32.030
title guarantee  20.32.050
transmittal  20.32.080
Recreational facilities
alternate procedure  20.44.110
construction commencement  20.44.100
credits  20.44.130
dedication
  formula  20.44.040
  land or fee determination  20.44.060
  requirements  20.44.020
  standards  20.44.030
exemptions from provisions  20.44.120
fees in lieu
  amount  20.44.080
  deferral  20.44.140
  when  20.44.050
purpose of provisions  20.44.010
use limitations  20.44.090
Remainder parcel designated  20.04.120
Reservations  20.04.090
Reversion to acreage
application  20.40.020
approval conditions  20.40.060
authority  20.40.050
data required  20.40.030
decision, findings announcement  20.40.065
effect of filing  20.40.090

title report  20.24.060
vesting tentative parcel map  20.24.190
Monuments  20.16.050
Parcel maps
approval authority  20.32.020
certificates
  additional  20.32.040
  stamping, printing  20.32.060
conformance with tentative parcel map  20.32.010
data, additional  20.32.070
inundation areas  20.32.030
title guarantee  20.32.050
transmittal  20.32.080
Recreational facilities
alternate procedure  20.44.110
construction commencement  20.44.100
credits  20.44.130
dedication
  formula  20.44.040
  land or fee determination  20.44.060
  requirements  20.44.020
  standards  20.44.030
exemptions from provisions  20.44.120
fees in lieu
  amount  20.44.080
  deferral  20.44.140
  when  20.44.050
purpose of provisions  20.44.010
use limitations  20.44.090
Remainder parcel designated  20.04.120
Reservations  20.04.090
Reversion to acreage
application  20.40.020
approval conditions  20.40.060
authority  20.40.050
data required  20.40.030
decision, findings announcement  20.40.065
effect of filing  20.40.090

final map
  delivery  20.40.080
  generally  20.40.010
  findings required  20.40.055
  notice, hearings  20.40.040
  return of fees, deposits, securities  20.40.070
Securities for taxes, assessments  20.04.110
Severability of provisions  20.48.070
Soil report  20.04.080
Title of provisions  20.04.010
Vesting tentative maps
  amendments  20.17.035
  authority  20.17.010
  consistency with zoning, general plan  20.17.040
  expiration  20.17.028
  filing  20.17.020
  processing  20.17.025
  rights conferred  20.17.030
Violations
  notice  20.48.020
  penalties  20.48.060
  permits, approvals withholding  20.48.030
  report  20.48.010
TOURISM BUSINESS IMPROVEMENT DISTRICT

denial grounds 5.20.050
expiration, renewal 5.20.060
investigation, issuance 5.20.040
required 5.20.020
revocation, suspension, denial
grounds 5.20.090
notice 5.20.070
transferability 5.20.170
Change in operation 5.20.100
Definitions 5.20.010
Driver license requirements 5.20.150
Fares 5.20.120
Insurance requirements 5.20.080
Operation regulations 5.20.130
Stands 5.20.110
Vehicle
condition 5.20.140
number, information posting 5.20.160
Violations, penalties 5.20.180

TOURISM BUSINESS IMPROVEMENT DISTRICT
Advisory board 3.37.100
Assessment
collection order 3.37.060
failure to pay, penalty 3.37.080
generally 3.37.090
levy, collection 3.37.050
refund 3.37.055
use of proceeds 3.37.070
Boundaries 3.37.040
Definitions 3.37.010
Established 3.37.030
Findings 3.37.020
Severability of provisions 3.37.110

TRAFFIC
Accident
report 10.08.040
studies 10.08.030
Administration 10.08.010
Bicycles
See BICYCLES Ch. 10.56
Control devices
See also Stopping
hours of operation 10.16.080
installation
authority 10.16.010
generally 10.16.040
lane markings 10.16.050
obedience to 10.16.030
removal 10.16.070
required for enforcement 10.16.020
roadway markings 10.16.060
Definitions Ch. 10.04
Directing
by police, firefighters 10.12.030
unauthorized 10.12.040
Division
duties 10.08.020
reports 10.08.050
Driving
business district restrictions 10.32.070
freeway restrictions 10.32.060
new pavement 10.32.040
restricted access 10.32.050
on sidewalks, parkways 10.32.030
through funeral processions 10.32.010
Engineer
additional duties 10.08.070
office established, powers, duties 10.08.060
Horses on sidewalks 10.32.080
Interstate trucks
appeals 10.34.070
application 10.34.030
definitions 10.34.010
fees 10.34.040
purpose of provisions 10.34.020
retrofitting 10.34.050
route revocation 10.34.060
One-way streets, alleys
designated 10.24.020, 10.24.021
signs 10.24.010
Oversize vehicles
See also Truck routes
appeals 10.33.110
definitions 10.33.020
emergency moves 10.33.050
exceptions to provisions 10.33.080
generally 10.33.120
insurance required 10.33.040
TRAFFIC IMPACT FEE

permit
denial 10.33.060
fee 10.33.090
required 10.33.030
purpose of provisions 10.33.010
regulations 10.33.070
violations, penalties 10.33.100

Pedestrians
crossing at right angles 10.36.030
crosswalks
established 10.36.010
use required 10.36.020
standing in roadway 10.36.040

Police, firefighters authority 10.12.010
Regulations
exemptions from provisions 10.12.060
obedience by public employees 10.12.050

Speed limits
contests
See VEHICLES Ch. 8.29
designated 10.44.030—10.44.871
generally 10.44.020
signal timing 10.44.010

Statutory authority 10.12.070

Stopping
emerging from alley, driveway, building 10.28.030
generally 10.28.020
obedience to controller 10.28.040
school pedestrian lanes 10.28.050
signs 10.28.010
streets designated 10.28.060—10.28.994

Trains blocking streets prohibited 10.48.010

Truck routes
See also Interstate trucks
designated 10.32.091
exceptions to provisions 10.32.092
generally 10.32.090
sign posting 10.32.093

Turning
authority 10.20.010
no-turn signs 10.20.030
restrictions, authority 10.20.020
right against light 10.20.040

TRAFFIC IMPACT FEE

Advance of funds by city 18.42.090
Assessment district 18.42.080
Definitions 18.42.020
Designated 18.42.050
Exemptions from provisions 18.42.060
Expiration of provisions 18.42.100
Purpose of provisions 18.42.010
Required for
development 18.42.030
permit issuance 18.42.040
Use of revenue 18.42.070

TRAFFIC SAFETY COMMISSION

Created 2.28.010
Membership, appointment, term 2.28.020
Officers, meetings, reports 2.28.040
Powers, duties 2.28.050

TRAILER PARKS

Animals at large 5.24.275
Applicability of provisions 5.24.010
Building area per site 5.24.165
Camp sites
front on driveway 5.24.170
required for accommodation 5.24.175
requirements 5.24.150
Care of land 5.24.265
Caretaker employment 5.24.315
Change in name, ownership, notice 5.24.085
Definitions 5.24.005
Electrical wiring, fixtures 5.24.295
Enforcement authority
designated 5.24.015
generally 5.24.020
right of entry 5.24.025
Fire hydrants 5.24.300
Illumination 5.24.290
Inspections
annual, fee 5.24.080
generally 5.24.075
Landscaping 5.24.310
Laundry area 5.24.225
Liquefied petroleum gas
cylinder charging 5.24.285
storage 5.24.280
Nuisance abatement
required 5.24.030
sufficient proof 5.24.035
Permit
conditional use
recordation 5.24.060
required when 5.24.045
existing parks, requirements 5.24.070
expiration 5.24.095
fees 5.24.065
posting 5.24.090
reinstatement when 5.24.120
required 5.24.040
suspension
failure to comply with notice 5.24.115
grounds 5.24.100
notice, issuance 5.24.105
notice service 5.24.110
Plot plan
contents 5.24.055
required 5.24.050
Plumbing installation, maintenance 5.24.240
Register maintenance 5.24.320
Safety equipment 5.24.305
Slop sinks 5.24.230
Statutory provisions
adopted 5.24.325
construction of provisions 5.24.330
Street
paving 5.24.180
width 5.24.185
Trailer coach
distance
between 5.24.155
from lot lines 5.24.160
overnight parking on highway 5.24.140
parking, use
outside park 5.24.145
restrictions 5.24.125
rental of owner’s, prohibited 5.24.130
toilet use 5.24.210
unauthorized occupation of land 5.24.135
underneath, cleanliness 5.24.270
Variations, permit 5.24.335
Violations, penalties 5.24.340
Waste disposal
garbage cans 5.24.250
liquid from coaches 5.24.260
solid waste 5.24.255
Water closets
accessibility 5.24.205
bathing facilities 5.24.215
cleanliness, maintenance 5.24.220
floor waterproofing 5.24.200
marking 5.24.195
number of lavatories 5.24.235
requirements 5.24.190
Water supply 5.24.245
TRANSIENT OCCUPANCY TAX
Appeals 3.12.100
Collection
actions 3.12.130
warrant 3.12.200
Definitions 3.12.020
Delinquent
seizure, sale 3.12.210
withhold notice 3.12.220
Exemptions from provisions 3.12.040
Failure to
collect, penalties 3.12.090
remit, penalties 3.12.080
Imposed, amount, payment 3.12.030
Lien
priority 3.12.190
recordation 3.12.180
Operator duties
generally 3.12.050
remitting, reporting 3.12.070
Recordkeeping 3.12.110
Refunds 3.12.120
Registration certificate
closure of hotel when 3.12.170
required 3.12.060
revocation 3.12.160
Successor operator
duties 3.12.072
failure to withhold 3.12.074
TREASURER, CITY

Title of provisions 3.12.010
Violations, penalties 3.12.140

TREASURER, CITY
Compensation 2.08.020
Qualifications 2.08.022

TREES, SHRUBS
See also STREETS, SIDEWALKS Ch. 11.04
Appeals 11.12.150
Community forest management plan 11.12.130
Definitions 11.12.020
Heritage 11.12.140
Master tree list 11.12.040
Overhanging trees 11.12.110
Parks, recreation department jurisdiction 11.12.030
Permits 11.12.090
Planting, maintenance
   approval 11.12.060
   map 11.12.120
   procedures 11.12.050
   schedule 11.12.070
Protection 11.12.080
Purpose of provisions 11.12.010
Replacement 11.12.100
Violations, penalties 11.12.160

— U —

UNDERGROUND UTILITY DISTRICTS
Definitions 11.08.010
Designation 11.08.030
Exceptions to provisions
   additional 11.08.060
   emergencies, unusual circumstances 11.08.050
Hearings 11.08.020
Notice to property owners, utility companies 11.08.070
Prohibited acts 11.08.040
Responsibility of
   city 11.08.100
   property owners 11.08.090
   utility companies 11.08.080
   Time extension 11.08.110

URINATION, DEFECATION IN PUBLIC
Prohibited 6.17.010

— V —

VACATION RENTALS
Authorized agent 5.60.040
Definitions 5.60.020
Interpretation of provisions 5.60.090
Operation requirements 5.60.070
Permit
   required 5.60.050
   requirements 5.60.060
Purpose of provisions 5.60.010
Severability of provisions 5.60.100
Short-term 5.60.030
Violations, penalties 5.60.080

VEHICLES
Abandoned
   abatement
      See also removal
      authority 10.52.065
      notice 10.52.070
      summary 10.52.125
      time limits 10.52.100
administration, enforcement 10.52.040
definitions 10.52.010
exceptions to provisions 10.52.020
hearing
   notice 10.52.080
   procedure 10.52.090
   request 10.52.085
prohibited acts 10.52.130
purpose of provisions 10.52.030
removal
   See also abatement
   administrative costs 10.52.060
   costs, lien 10.52.120
   franchises 10.52.050
   notice to DMV 10.52.110
VENDORS

violations, penalties 10.52.140
Depositing handbills on prohibited 8.28.055
Driving on private property 8.28.040
Repair work
  on nonresidential property 8.28.020
  by registered owner 8.28.010
  violations, nuisance 8.28.030
Speed contests
  definitions 8.29.020
  prior acts admissible 8.29.050
  proof of violation 8.29.040
  purpose of provisions 8.29.010
  spectators prohibited 8.29.030

VENDORS
See SOLICITORS, PEDDLERS, VENDORS
Ch. 8.32

— W —

WATER EFFICIENT LANDSCAPING
Applicability of provisions 18.50.060
Authority 18.50.020
Definitions 18.50.050
Enforcement of provisions 18.50.090
Fees 18.50.100
Findings 18.50.040
Manual adopted 18.50.030
Purpose of provisions 18.50.010
Recycled water 18.50.070
Waste prevention 18.50.080

— Z —

ZONING
Adult businesses
  definitions 21.43.020
  location requirements 21.43.030
  purpose of provisions 21.43.010
  requirements, additional 21.43.010
  violations, penalties 21.43.050
Affordable housing
  See Inclusionary housing

Amendments
 application, fee 21.52.030
  authority 21.52.050
  decision, findings 21.52.060
  effective date 21.52.070
  initiation 21.52.020
  notice, hearing 21.52.040
  purpose of provisions 21.52.010
Applications
  See also Specific Subject
    Hearings
      investigation 21.54.080
      review, approval 21.54.010
Beach area overlay zone
  applicability of provisions 21.82.020
  approved projects 21.82.070
  building height 21.82.050
  parking 21.82.060
  permitted uses 21.82.030
  purpose of provisions 21.82.010
  site development plan 21.82.040
Building height
  protrusions above limits 21.46.020
  through lots 21.46.010
Child care
  definitions 21.83.020
  development standards 21.83.080
  exceptions to provisions 21.83.030
  permitted uses 21.83.040
  purpose of provisions 21.83.010
  requirements
    large family day care home 21.83.050
    P-M, C-M zones 21.83.060
Coastal agriculture overlay zone
  definitions 21.202.020
  lot, yard standards 21.202.055
  permit required 21.202.040
  permitted uses 21.202.050
  purpose of provisions 21.202.010
  urban development of land
    findings required 21.202.070
    generally 21.202.030
    inconsistent with underlying uses 21.202.075
proximity to existing developed areas 21.202.080
requirements 21.202.060

Coastal development permits
administrative permit procedures 21.80.160
amendment 21.201.220
appeals
applicable developments 21.201.130
to coastal commission 21.80.110
exhaustion 21.201.140
hearing 21.201.150
applicability of provisions 21.201.015
application
action on 21.80.070
city planner duties 21.80.050
requirements 21.80.040
transmittal 21.80.060
decision
effective date, appeals 21.80.080
notice 21.201.090
definitions 21.80.010, 21.201.020
document review 21.80.140
effective date, appeals 21.80.130, 21.201.120
emergency, application 21.80.170, 21.201.190
exemptions from provisions 21.80.030, 21.201.060
expiration 21.80.150, 21.201.200
extension 21.201.210
final action, notice 21.80.120, 21.201.160
hearing
by council 21.80.090
public 21.80.100
issued by coastal commission 21.201.230
procedure determination 21.201.050
purpose of provisions 21.201.010
repair, maintenance activities 21.201.070
required 21.80.020, 21.201.030
requirements 21.201.080
severability of provisions 21.80.190
termination of provisions 21.80.180
violation of Public Resources Code 21.201.240

Coastal resource protection overlay zone
applicability of provisions 21.203.020
development standards 21.203.040
Mello I LCP
buffer 21.205.070
conflicting provisions 21.205.020
density 21.205.040
erosion sedimentation, drainage 21.205.060
mitigation 21.205.050
permit required 21.205.030
purpose of provisions 21.205.010
permit required 21.203.030
purpose of provisions 21.203.010

Coastal shoreline development overlay zone
applicability of provisions 21.204.020
conditional uses 21.204.040
geotechnical reports 21.204.110
liability of public 21.204.120
permit not required when 21.204.050
permitted uses 21.204.030
public access
guarantee mechanism 21.204.080
requirements 21.204.060
special access requirements 21.204.070
purpose of provisions 21.204.010
site plan
required 21.204.090
review criteria 21.204.100

Commercial tourist zone
building
height 21.29.040
placement 21.29.050
location 21.29.020
permitted uses 21.29.030
purpose of provisions 21.29.010

Commercial/visitor-serving overlay zone
applicability of provisions 21.208.030
authority 21.208.070
conditional uses
designated 21.208.050
findings required 21.208.110
review, permit application 21.208.080
definitions 21.208.020
development standards 21.208.100
enforcement of provisions  admin  21.208.140
judicial  21.208.160
remedies not exclusive  21.208.170
existing uses, permits  21.208.130
hearing, notice, appeals  21.208.150
performance monitoring  21.208.120
permitted uses  21.208.040
prohibited uses  21.208.060
project site notice  21.208.090
purpose of provisions  21.208.010
severability of provisions  21.208.180
Community Facilities zone
applicability of provisions  21.25.020
building height  21.25.080
limitations  21.25.060
location, design standards  21.25.100
notice requirements  21.25.110
permitted uses  21.25.040
purpose of provisions  21.25.010
reservation time period  21.25.030
severability of provisions  21.25.120
size requirements  21.25.070
yards  21.25.090
Conditional use permits
application, fees  21.42.050
authority  21.42.070
conditions generally  21.42.040
decision, findings  21.42.080
development standards  21.42.140
effective date, appeals  21.42.100
expiration, extension, amendment  21.42.110
findings  21.42.030
notice, hearing  21.42.060
purpose of provisions  21.42.010
revocation  21.42.120
Conflicting provisions  21.56.010
Decisions
appeals  21.54.150
effective date  21.54.140
judicial review
effect  21.61.020
notice of litigation  21.61.025
time limits  21.61.010
Dedications
authority  21.55.040
conflicting provisions  21.55.020
decision factors  21.55.180
definitions  21.55.070
exemptions from provisions  21.55.080
fees
builder option  21.55.155
distribution agreement  21.55.250
held in trust  21.55.220
payment  21.55.210
recordkeeping  21.55.260
refunds  21.55.240
smaller developments  21.55.140
findings
of city council  21.55.050
notice requirements  21.55.110
general plan  21.55.060
land  21.55.200
operative date  21.55.280
purpose of provisions  21.55.030
requirements
generally  21.55.130
termination  21.55.270
residential development
application  21.55.160
approval restrictions  21.55.120
existing, exempted  21.55.290
notice to school district  21.55.170
school districts
findings  21.55.100
notice to  21.55.090
schedule  21.55.190
standards  21.55.150
title of provisions  21.55.010
use of land, fees  21.55.230
Definitions Ch. 21.04
Density bonus
affordability tenure  21.86.100
agreement
fee  21.86.140
generally  21.86.130
application procedure  21.86.110
approval findings  21.86.120
condominium conversions  21.86.070
definitions 21.86.020
development standards
   designated 21.86.090
   waiver, reduction 21.86.060
housing developments
   with child care centers 21.86.080
   generally 21.86.040
incentives, concessions 21.86.050
inclusionary housing 21.86.030
purpose of provisions 21.86.010
severability of provisions 21.86.150
Development agreements
   accounting 21.70.030
   amendment, cancellation 21.70.120
   application 21.70.010
   authority 21.70.005, 21.70.050
   fees, reimbursements 21.70.020
   findings 21.70.060
   irregularities 21.70.110
   modification, termination
      generally 21.70.160
      no damages 21.70.170
   notice, hearing 21.70.040
   recordation 21.70.130
   review procedure 21.70.150
   rights
      no vesting 21.70.180
      reservation 21.70.190
Development standards
   See Specific Zone
   Conditional use permits
Exclusive agricultural zone
   building height 21.07.100
   development standards 21.07.120
   lot
      area 21.07.050
      coverage 21.07.110
      width 21.07.060
   permitted uses 21.07.020
   purpose of provisions 21.07.010
   yards
      front 21.07.070
      rear 21.07.090
      side 21.07.080
Floodplain management
   administrator
      designated 21.110.140
      duties, responsibilities 21.110.150
   appeals 21.110.240
   applicability of provisions 21.110.060
   coastal high hazard areas 21.110.210
   compliance 21.110.080
   conflicting provisions 21.110.090
   definitions 21.110.050
   erosion-prone areas 21.110.230
   flood loss reduction methods 21.110.040
   floodways 21.110.200
   interpretation of provisions 21.110.100
   liability of city 21.110.110
   mudslide-prone areas 21.110.220
   purpose of provisions 21.110.030
   severability of provisions 21.110.120
   special flood hazard areas 21.110.070
   special use permit
      findings 21.110.135
      required 21.110.130
   standards
      construction 21.110.160
      manufactured homes 21.110.190
      subdivisions 21.110.180
      utilities 21.110.170
      statutory authority 21.110.010
      variances 21.110.250
General commercial zone
   building
      height 21.28.030
      placement 21.28.050
      limitations 21.28.020
   permitted uses 21.28.010
   residential uses 21.28.015
   yards, front 21.28.040
Growth management
   compliance with provisions 21.90.040
   council actions, fees, notice 21.90.170
   definitions 21.90.020
   exceptions to provisions 21.90.160
   existing
      approval extensions prohibited 21.90.033
      development permits 21.90.032
ZONING

plans, approvals 21.90.031
facilities, improvements
guidelines 21.90.150
installation, fees in-lieu 21.90.140
plan 21.90.090
requirements implementation 21.90.130
fees
building permit issuance during moratorium 21.90.060
deferral 21.90.195
findings required 21.90.070
local facilities management 21.90.050
local facilities management plan
contents 21.90.110
preparation 21.90.120
processing 21.90.125
zones 21.90.100
performance standards 21.90.080
prohibited acts 21.90.030
public facility reduction 21.90.180
purpose of provisions 21.90.010
residential
control point 21.90.045
dwelling unit caps 21.90.185
severability of provisions 21.90.190
Habitat preservation, management
guidelines 21.210.090
permits
incidental take 21.210.075
required 21.210.060
requirements 21.210.070
plan amendment 21.210.080
purpose of provisions 21.210.010
requirements
management 21.210.050
preservation 21.210.040
violations, penalties 21.210.100
Hearings
conduct 21.54.090
continuance without notice 21.54.100
decision, findings 21.54.120
notice
applicant responsibility 21.54.064
contents 21.54.061
failure to receive 21.54.063
requirements 21.54.060
setting 21.54.050
summary of testimony 21.54.110
Heavy commercial—limited industrial zone
building
height 21.30.030
placement 21.30.060
employee eating areas 21.30.070
limitations 21.30.020
permitted uses 21.30.010
yards
front 21.30.040
side 21.30.050
Hillside development
authority 21.95.070
coastal zone exclusions 21.95.150
definitions 21.95.020
development standards
designated 21.95.140
modifications 21.95.160
findings required 21.95.080
permit
applicability 21.95.030
application, fee 21.95.050
decision, findings 21.95.090
effective date, appeals 21.95.100
exemptions from provisions 21.95.040
expiration, extension, amendment 21.95.110
notice, hearing 21.95.060
purpose of provisions 21.95.010
requirements
generally 21.95.120
mapping procedures 21.95.130
Hospital overlay zone
applicability of provisions 21.21.020
building height 21.21.080
criteria 21.21.030
expiration when 21.21.200
landscaping 21.21.110
lighting 21.21.160
loading areas 21.21.190
lot

area 21.21.060
coverage 21.21.120
width 21.21.070
parking 21.21.140
permitted uses 21.21.040
purpose of provisions 21.21.010
required for hospitals 21.21.015
roof appurtenances 21.21.170
setbacks
  building height 21.21.100
  designated 21.21.090
signs 21.21.130
site development plan 21.21.050
trash enclosures 21.21.180
walls, fences 21.21.150

Inclusionary housing
See also Density bonus
affordable housing standards 21.85.040
agreement
  amendments 21.85.150
  fee 21.85.145
  generally 21.85.140
alternatives 21.85.070
approvals, existing 21.85.160
combined projects 21.85.080
conflicting provisions 21.85.180
credit adjustment 21.85.060
definitions 21.85.020
expiration of tenure 21.85.155
in-lieu fees
  collection 21.85.120
  deferral 21.85.195
  payment when 21.85.110
master plans, specific plans 21.85.035
number calculation 21.85.050
offsets 21.85.100
preliminary project application, review 21.85.130
purpose of provisions 21.85.010
requirements 21.85.030
severability of provisions 21.85.190
units not required when 21.85.090
violations, penalties 21.85.170

Industrial zone
building
  height 21.32.050
  placement 21.32.040
emergency shelters 21.32.070
employee eating areas 21.32.060
permitted uses 21.32.010
yards
  front 21.32.020
  side 21.32.030
Land use plan designated 21.02.010

Limited control zone
area requirements 21.39.040
conditional uses 21.39.030
permitted uses 21.39.020
purpose of provisions 21.39.010

Local shopping center zone
definitions 21.31.020
development standards 21.31.080
limitations 21.31.070
permitted uses 21.31.030
purpose of provisions 21.31.010
redevelopment, remodeling 21.31.050
residential uses 21.31.065
severability of provisions 21.31.090
site development plan
generally 21.31.040
  special requirements 21.31.060

Lots
See also Specific Zone
area reduction 21.46.190
larger than prescribed 21.46.200
one building 21.46.170
through 21.46.180

Map
See Zones

Moratorium on planning
exceptions to provisions 21.49.025
generally 21.49.020
purpose of provisions 21.49.010
sewer allocation system 21.49.030

Multiple-family residential zone
building
  height 21.16.030
  placement 21.16.060
ZONING

lot
  area 21.16.070
  coverage 21.16.090
  width 21.16.080
permitted uses 21.16.020
purpose of provisions 21.16.010
yards
  front 21.16.040
  side 21.16.050
Neighborhood commercial zone
building
  height 21.26.030
  placement 21.26.060
limitations 21.26.020
outdoor dining 21.26.013
permitted uses 21.26.010
residential uses 21.26.015
yards
  front 21.26.040
  side 21.26.050
Nonconforming lots, structures, uses
abatement 21.48.090
applicability of provisions 21.48.020
construction permit 21.48.080
development 21.48.040
purpose of provisions 21.48.010
requirements
  generally 21.48.030
  nonresidential structures 21.48.060
  nonresidential uses 21.48.070
  residential structures, uses 21.48.050
Nonresidential planned development
certificate of occupancy 21.47.150
conversion 21.47.090
development standards 21.47.080
effective date, appeals 21.47.075
final map 21.47.140
maintenance 21.47.160
permit
  application, fees 21.47.040
  authority 21.47.060
decision, findings 21.47.073
expiration, extension, amendment 21.47.100
findings 21.47.070
notice, hearing 21.47.050
required 21.47.020
permitted uses 21.47.030
purpose of provisions 21.47.010
Office zone
development standards 21.27.050
permitted uses 21.27.020
purpose of provisions 21.27.010
site development plan 21.27.040
One-family residential zone
building
  height 21.10.050
  placement 21.10.080
development standards 21.10.120
farmworker housing 21.10.125
home occupations 21.10.040
lot
  area 21.10.090
  coverage 21.10.110
  width 21.10.100
permitted uses 21.10.020
purpose of provisions 21.10.010
second dwelling units 21.10.030
severability of provisions 21.10.130
yards
  front 21.10.060
  side 21.10.070
Open space, environmentally sensitive land
  nonresidential development restrictions 21.53.240
residential density calculation 21.53.230
Open space zone
building height 21.33.060
Carlsbad State Beach 21.33.015
habitat management plan 21.33.045
lot area 21.33.050
permitted uses 21.33.020
purpose of provisions 21.33.010
Parking
  common facilities 21.44.090
  comprehensive planned facilities 21.44.070
generally 21.44.010
joint use 21.44.080
plan 21.44.100
requirements
  generally 21.44.050
  residential zones 21.44.060
spaces required 21.44.020
uses not specified 21.44.030
waiver of standards 21.44.040
Permits
See also Specific Subject
  Coastal development permits
  Conditional use permits
amendments 21.54.125
certificate of occupancy 21.60.010
conflicting 21.60.020
expiration 21.58.030
extensions 21.58.040
model homes 21.60.030
multiple, authority 21.54.040
reapplication after denial 21.54.130
Planned community zone
effective date, appeals 21.38.100
existing communities, undeveloped areas
  21.38.150
generally 21.38.030
master plan
  amendment 21.38.120
  application, fees 21.38.050
  authority 21.38.080
  contents 21.38.060
  findings 21.38.090
  implementation 21.38.130
  notice, hearing 21.38.070
  required 21.38.040
  requirements 21.38.021
permitted uses 21.38.020
purpose of provisions 21.38.010
second dwelling units 21.38.025
standards, additional
  adoption 21.38.140
  Rancho La Costa, Batiquitos Lagoon watersheds 21.38.141
Planned development
See also Nonresidential planned development
additions, accessory uses 21.45.090
applicability of provisions 21.45.020
common ownership land, improvements
  21.45.130
conversions 21.45.110
definitions 21.45.030
development standards
  condominium projects 21.45.080
  general 21.45.060
  one-family, twin-homes 21.45.070
maintenance
  failure to comply 21.45.150
  required 21.45.140
model homes 21.45.160
permit
  amendments 21.45.100
  application, fees 21.45.050
  reapplication restrictions 21.45.170
permitted uses, zones 21.45.040
purpose of provisions 21.45.010
Planned industrial zone
certificate of occupancy 21.34.140
design criteria 21.34.080
development standards 21.34.070
final map 21.34.120
maintenance
  failure to comply 21.34.160
  requirements 21.34.150
performance standards 21.34.090
permitted uses 21.34.020
purpose of provisions 21.34.010
site development plan
  final 21.34.130
  generally 21.34.050
Public utility zone
conditions 21.36.050
landscaping 21.36.090
lot
  area 21.36.060
  coverage 21.36.070
parking, loading 21.36.080
permitted uses 21.36.020
precise development plan
  application 21.36.040
  final 21.36.100
  required 21.36.030
purpose of provisions 21.36.010
Qualified development overlay zone
  applicability of provisions 21.06.015
  development standards 21.06.110
  effective date, appeals 21.06.090
  lot requirements 21.06.120
  permitted uses 21.06.020
  purpose of provisions 21.06.010
  site development plan
    application, fees 21.06.050
    authority 21.06.070
    exceptions to provisions 21.06.040
    expiration, extension, amendment 21.06.100
    final 21.06.130
    notice, hearing 21.06.060
    required 21.06.030
Reasonable accommodation
  applicability of provisions 21.87.030
  definitions 21.87.020
  effective date, appeals 21.87.070
  findings 21.87.060
  purpose of provisions 21.87.010
  request 21.87.040
  review 21.87.050
Recycling facilities
  areas in development projects 21.105.060
  definitions 21.105.010—21.105.025
  requirements
    collection 21.105.030
    processing 21.105.040
    reverse vending machines 21.105.050
Residential agricultural zone
  building height 21.08.030
  building placement 21.08.060
  development standards 21.08.100
  lot
    area 21.08.070
    coverage 21.08.090
    width 21.08.080
  permitted uses 21.08.020
  purpose of provisions 21.08.010
  yards
    front 21.08.040
    side 21.08.050

Residential density-multiple zone
  accessory structures 21.24.090
  building height 21.24.030
  improvements 21.24.130
  lot
    area 21.24.100
    coverage 21.24.110
    width 21.24.120
  permitted uses 21.24.020
  purpose of provisions 21.24.010
  setbacks, subterranean parking 21.24.060
  special conditions 21.24.140
  yards
    front 21.24.040
    rear 21.24.070
    side 21.24.050
    structures over 35 ft 21.24.080

Residential mobile home park zone
  conversions
    generally 21.37.120
    waiver of map requirements 21.37.130
  design criteria 21.37.090
  development standards 21.37.100
  effective date 21.37.070
  permit
    application, fees 21.37.040
    authority 21.37.050
    decision, findings 21.37.060
    expiration, extension, amendment 21.37.075
    required 21.37.030
  permitted uses 21.37.030
  plan, final 21.37.080
  purpose of provisions 21.37.010
  removal 21.37.110
  severability of provisions 21.37.140

Residential-professional zone
  development standards 21.18.030
  permitted uses 21.18.020
  purpose of provisions 21.18.010
  special conditions, standards 21.18.040

Residential tourist zone
  accessory structures 21.20.080
  building height 21.20.030
lot
  area 21.20.090
  coverage 21.20.110
  width 21.20.100
permitted uses 21.20.010
setback area use 21.20.060
yards
  front 21.20.040
  rear 21.20.070
  side 21.20.050
Residential waterway zone
accessory structures 21.22.070
building height 21.22.030
lot
  area 21.22.080
  coverage 21.22.100
  width 21.22.090
permitted uses 21.22.020
purpose of provisions 21.22.010
waterway access 21.22.110
yards
  front 21.22.040
  rear 21.22.060
  side 21.22.050
Rural residential estate zone
applicability of provisions 21.09.050
building
  height 21.09.070
  placement 21.09.100
covenants, conditions, restrictions 21.09.170
development standards 21.09.190
fire-retardant roofing 21.09.075
improvements 21.09.160
lot
  area 21.09.110
  coverage 21.09.130
  width 21.09.120
parking 21.09.140
permitted uses 21.09.020
purpose of provisions 21.09.010
rezoning findings required 21.09.180
storage requirements 21.09.060
subdivisions 21.09.150
yards
  front 21.09.080
Satellite antennas
  purpose of provisions 21.53.130
  requirements 21.53.140
  standards waiver, modification 21.53.150
Scenic preservation overlay zone
  applicability of provisions 21.40.020
  boundaries 21.40.045
  coastal zone restrictions 21.40.135
  conditions 21.40.120
  development guidelines
    adoption 21.40.115
    contents 21.40.117
  development standards 21.40.110
  effective date, appeals 21.40.095
  permitted uses 21.40.030
  purpose of provisions 21.40.010
  special use permit
    application, fees 21.40.060
    authority 21.40.080
    decision, findings 21.40.090
    exceptions to provisions 21.40.050
    expiration, extension, amendment 21.40.100
    findings 21.40.085
    notice, hearing 21.40.070
    required 21.40.040
Senior citizen housing
  application 21.84.080
  approval findings 21.84.090
  definitions 21.84.030
  density bonus, inclusionary housing 21.84.070
  development standards 21.84.060
  location 21.84.050
  permitted uses 21.84.040
  purpose of provisions 21.84.020
  reporting, monitoring 21.84.110
  requirements, additional 21.84.100
  title of provisions 21.84.010
Signs
  appeals 21.41.125
  applicability of provisions 21.41.010
  construction, maintenance 21.41.110
  definitions 21.41.020
I-36

ZONING

nonconforming 21.41.130
permit procedures 21.41.050
programs 21.41.060
prohibited types 21.41.030
purpose of provisions 21.41.005
removal 21.41.120
requirements
generally 21.41.025
permanent signs 21.41.095
private property without permit 21.41.040
temporary signs 21.41.100
severability of provisions 21.41.160
standards
coastal zone 21.41.090
design 21.41.080
general 21.41.070
violations
penalties 21.41.150
remedies 21.41.140
Title of provisions 21.02.020
Transportation corridor
conditions 21.100.050
lot area 21.100.060
permitted uses 21.100.020
purpose of provisions 21.100.010
site development plan 21.100.040
Two-family residential zone
building
height 21.12.030
placement 21.12.060
lot
area 21.12.070
coverage 21.12.090
width 21.12.080
permitted uses 21.12.020
purpose of provisions 21.12.010
yards
front 21.12.040
side 21.12.050
Uses
See also Specific Use
Specific Zone
airport expansion, vote required 21.53.015
applicability of provisions 21.53.010
clarification of ambiguity 21.53.040
designated
affordable housing projects 21.53.120
construction buildings, temporary
21.53.110
dogs, cats, pets 21.53.084
on-shore oil, gas facilities 21.53.250
public utilities 21.53.080
real estate offices, temporary 21.53.090
wild animals 21.53.085
limitations
building permit issuance 21.53.030
sewer availability 21.53.020
potential classifications
removal 21.53.060
translation to permitted uses 21.53.070
precise plan reclassification, effect 21.53.050
Variances
application, fee 21.50.020
authority 21.50.040
decision, findings 21.50.060
effective date, appeals 21.50.070
expiration, extension, amendment 21.50.080
findings 21.50.050
notice, hearing 21.50.030
purpose of provisions 21.50.010
Village review zone
applicability of provisions 21.35.030
compliance with code 21.35.140
effective date, appeals 21.35.110
findings 21.35.120
master plan, design manual
amendments 21.35.150
incorporated by reference 21.35.020
permitted uses 21.35.040
provisional uses 21.35.050
purpose of provisions 21.35.050
redevelopment plan expiration 21.35.015
regulations generally 21.35.060
review permit
application, fees 21.35.085
authority 21.35.090
decision, findings 21.35.100
expiration, extension, amendment
21.35.115
notice, hearing 21.35.087
projects 21.35.080
required 21.35.070
variances 21.35.130

Violations
notice 21.58.010
penalties 21.62.010
permit, variance revocation 21.58.020
remedies not exclusive 21.62.020

Yards
abutting half-streets 21.46.080
dwellings above stores 21.46.110
formula 21.46.060
front
measurement 21.46.090
modification 21.46.070
intrusions permitted 21.46.120
multiple, row dwellings
fronting side yard 21.46.150
rearing side yard 21.46.160
one main building 21.46.050
regulations generally 21.46.030
side, combined lots 21.46.040
trees, shrubs, flowers 21.46.140
vision clearance, reversed corner lots 21.46.100
walls, fences, hedges 21.46.130

Zones
See also Specific Zone
annexed territory classification 21.05.070
boundary
changes 21.05.050
uncertainty 21.05.060
combinations 21.05.095
designated 21.05.010
land use limitations 21.05.080
map
division 21.05.040
generally 21.05.030
restrictiveness 21.05.020
symbols 21.05.090