

**MINOR COASTAL DEVELOPMENT PERMIT
NOTICE OF DECISION**

November 29, 2022

Juan Barrientos
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Escondido, CA 92025

RE: CDP 2022-0040 (DEV2022-0134) – JOHNS DECK ADDITION

The city has completed a review of the application for a Minor Coastal Development Permit to construct a 10-inch tall, 880-square-foot wood deck attached to the rear elevation of an existing single-family residence at 7548 Navigator Circle (APN 216-420-89-00). The property is located in the appealable area of the Coastal Zone.

It is the City Planner's determination that the project **CDP 2022-0040 (DEV2022-0134) – JOHNS DECK ADDITION**, is consistent with the city's applicable Coastal Development Regulations (Chapters 21.201 - 21.205) and with all other applicable city ordinances and policies. The City Planner, therefore, **APPROVES** this request based upon the following:

1. That the total cost of the proposed development is less than \$60,000.
2. That the proposed development requires no discretionary approvals other than a Minor Coastal Development Permit.
3. That the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act, in that **the attached deck is located on a property adjacent to the Batiquitos Lagoon. A public trail, Rosalena Trail, is located adjacent to the southeast property line. The Rosalena Trail connects to the Batiquitos Lagoon North Bluff Trail which has public access at Windrose Circle. Therefore, no new opportunities for coastal access are available or required from the subject site, nor are public recreation areas required of the project.**
4. The proposed development will have no adverse effect on coastal resources, in that **attached deck is located on a property which is adjacent to the Batiquitos Lagoon. However, the deck is located on an area of the property that is already disturbed and developed with single-family home. In addition, the deck maintains the minimum 3-foot bluff setback and complies with the Phase I bluff edge accessory structure setbacks pursuant to the Batiquitos Lagoon Education Park Master Plan Amendment (MP 175A). Furthermore, the deck is consistent with CDP Application No. 6-85-482-A3, which allows for accessory structures within rear yard setback areas of properties along the coastal bluff edge of the Rosalena development.**

5. That the proposed development is in conformance with the **West Batiquitos Lagoon/Sammis Properties** Certified Local Coastal Program and all applicable policies in that **the property is designated R-8, Residential 4-8 du/ac and Planned Community (P-C), and is located within the Batiquitos Lagoon Master Plan (MP-175A) which allows for single family dwellings and associated accessory structures. The project proposes to construct a 10-inch tall, 880-square-foot wood deck attached to the rear elevation of the existing single-family residence. The proposed project will not obstruct views of the coastline as seen from public lands or the public right-of-way, nor otherwise damage the visual beauty of the coastal zone as no structures are proposed. No agricultural uses currently exist on the site, nor are there any sensitive resources located on the property. Furthermore, the proposed lot line adjustment is not located in an area of known geologic instability or flood hazards.**
6. The project is consistent with the provisions of the Coastal Resource Protection Overlay Zone (Chapter 21.203 of the Zoning Ordinance), in that **the project will adhere to the city's Master Drainage Plan, Grading Ordinance, Storm Water Ordinance, BMP Design Manual and Jurisdictional Runoff Management Program (JRMP) to avoid increased urban runoff, pollutants, and soil erosion. The staff biologist reviewed the project and determined that the deck is located in previously disturbed area on the property that does not contain native habitat. The deck is also located in an area outside of undevelopable steep slopes and the developed site is not located in an area prone to landslides, or susceptible to accelerated erosion, floods, or liquefaction. No habitat buffers or geologic stability setbacks are required of the property.**
7. That the request for a minor coastal development permit was adequately noticed at least ten (10) working days before the date of this decision pursuant to Section 21.201.080(B) and (C) of the Carlsbad Coastal Development Regulations.
8. That the City Planner has determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section **15303(e) – New Construction or Conversion of Small Structures** – of the State CEQA Guidelines and will not have any adverse significant impact on the environment.

Conditions:

1. The City Planner does hereby **APPROVE** the Minor Coastal Development Permit, **CDP 2022-0040**, for the project entitled **JOHNS DECK ADDITION (Exhibit "A")**, dated November 29, 2022, on file in the Planning Division and incorporated by this reference, subject to the conditions herein set forth.
2. If any of the following conditions fail to occur; or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the city shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the city's approval of this **Minor Coastal Development Permit**.

3. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Minor Coastal Development Permit** documents, as necessary to make them internally consistent and in conformity with the final action on the project. Development shall occur substantially as shown on the approved Exhibits. Any proposed development different from this approval, shall require an amendment to this approval.
4. The Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
5. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
6. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the city arising, directly or indirectly, from (a) City's approval and issuance of this **Minor Coastal Development Permit**, (b) City's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the city's approval is not validated.
7. This approval shall become null and void if building permits are not issued for this project within 24 months from the date of project approval.
8. Developer shall pay the citywide Public Facilities Fee imposed by City Council Policy #17, the License Tax on new construction imposed by Carlsbad Municipal Code Section 5.09.030, and CFD #1 special tax (if applicable), subject to any credits authorized by Carlsbad Municipal Code Section 5.09.040. Developer shall also pay any applicable Local Facilities Management Plan fee for Zone 1, pursuant to Chapter 21.90. All such taxes/fees shall be paid at issuance of building permit. If the taxes/fees are not paid, this approval will not be consistent with the General Plan and shall become void.
9. Prior to **construction**, Developer shall submit to the City a Notice of Restriction to be filed in the office of the County Recorder, subject to the satisfaction of the City Planner, notifying all interested parties and successors in interest that the City of Carlsbad has issued a **Minor Coastal Development Permit** on the property. Said Notice of Restriction shall note the property description, location of the file containing complete project details and all conditions of approval as well as any conditions or restrictions specified for inclusion in the Notice of Restriction. The City Planner has the authority to execute and record an amendment to the notice which modifies or terminates said notice upon a showing of good cause by the Developer or successor in interest.
10. Approval of this request shall not excuse compliance with all applicable sections of the Zoning Ordinance and all other applicable city ordinances in effect at time of building permit issuance, except as otherwise specifically provided herein.

NOTICE

The project site is within the appealable area of the California Coastal Commission. This Minor Coastal Development Permit (CDP) shall not become effective until ten (10) working days have elapsed, without a valid appeal being filed with the Coastal Commission, following the Coastal Commission's receipt of the city's notice of the CDP issuance ("Notice of Final Action"). The filing of a valid appeal with the Coastal Commission within such time limit shall stay the effective date of this CDP until such time as a final decision on the appeal is reached by the Coastal Commission.

Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

If you have any questions regarding this matter, please feel free to contact Lauren Yzaguirre at 442-339-2634 or by email at Lauren.Yzaguirre@carlsbadca.gov.

CITY OF CARLSBAD

Cliff Jones

CLIFF JONES

Principal Planner

CJ:LY:JC

c: Craig and Elizabeth Johns, 7548 Navigator Circle, Carlsbad, CA 92011
Cliff Jones, City Planner
Tim Carroll, Project Engineer
Laserfiche/File Copy
Data Entry