

November 2, 2023

Molly Amendt
Senior Engineer, Public Works
Public Works Department
1635 Faraday Avenue
Carlsbad, CA 92008

SUBJECT: CD2023-0013 (DEV04018) – ALGA NORTE COMMUNITY PARK (CIP 4733)

The City Planner has completed a review of your application for a Consistency Determination, located at 6565 Alicante Road, Carlsbad, CA 92009 (APN: 213-110-04-00) which is a modification to CUP 04-08, approved by the Planning Commission on March 1, 2006. The request is to construct a 32.11 acre community park and aquatic center.

After careful consideration of the request, the City Planner has determined that the request meets all of the findings below and **APPROVES** this request. The proposed modifications include:

- Remove the existing free-standing umbrella structure and replace it with a new canopy frame and vinyl cover;
- Remove the existing 2,500-gallon muriatic acid tank and replace it with a new 500-gallon muriatic acid tank;
- Remove the existing Concrete Masonry Unit (CMU) secondary containment wall around the muriatic acid tank and replace it with a new CMU secondary containment wall;
- Remove the existing raised pool pumps and piping along the eastern wall and reinstall them at a lowered height relative to the height of the new muriatic acid tank;
- Install a new 65-gallon fume suppression tank; and
- Remove the existing raised access platform for the muriatic acid tank.

In order for a Discretionary Permit Consistency Determination to be approved, all of the following findings must be made:

- 1) *No project condition, feature, facility or amenity is changed or deleted that had been considered essential to the project's design, quality, safety or function in that the proposed upgrades are direct substitutions for existing equipment. The purpose of the upgrade is to install new equipment that is better suited for the demands and functions of the existing pool facilities.*
- 2) *The request represents an upgrade in overall design features and or materials and improves upon the project's compatibility with the surrounding neighborhood in that the pool equipment will no longer be visible from the building's front façade. When the pumps and equipment are lowered to connect to the new muriatic acid tank, they will be installed below the height of the existing 8-foot fence. Currently, the existing wall-mounted pipes are visible and are unsightly as they have leaked and worn over time.*

- 3) *The proposed revision does not change the density or boundary of the subject property in that the proposed upgrades involve utility equipment rather than occupiable space and will be completed within the existing developed footprint of the aquatic center facility.*
- 4) *The proposed revision does not involve the addition of a new land use not shown on the original permit in that the proposed upgrades are solely related to the existing functions of the aquatic center.*
- 5) *The proposed revision does not rearrange the major land uses within the development in that the proposed upgrades do not change the functions of the aquatic center.*
- 6) *The proposed revision does not create changes of greater than ten percent provided that compliance will be maintained with the applicable development standards of the Carlsbad Municipal Code in that the proposed canopy structure will be mounted below the height of the building's tallest point. The other proposed upgrades are replacements of existing equipment which remain consistent with the original facility design and approvals.*
- 7) *The proposed change will not result in any significant environmental impact, and/or require additional mitigation in that the upgrades are direct replacements for existing equipment. No new demand or impacts will be generated by this upgrade because no additional equipment is being added to the existing setup and the new equipment will serve the same function as the models it replaced. This type of project is subject to either a Class 1 or Class 2 exemption under CEQA.*
- 8) *The proposed change would not result in any health, safety or welfare impacts in that the proposed upgrades do not result in an increase of the quantity of hazardous materials processed at the facility or reduce the accessibility of the pool equipment. The specifications of the proposed upgrades to the pool equipment indicate that the model of the muriatic acid tanks is smaller, meaning that there will not be an increase in the quantity of chemicals used to service the pool. The reduction in tank size also means that the space used to service the tanks will remain accessible and will not be overcrowded by large equipment.*
- 9) *There were not any major issues or controversies associated with the original project which would be exacerbated with the proposed change in that proposed upgrades do not violate or contradict any of the conditions of approval required by CUP 04-08.*
- 10) *The proposed change would not be readily discernable to the decision makers as being substantially different from the project as originally approved in that the proposed upgrades, with the exception of the vinyl canopy, will not be visible from the front façade of the building. The canopy, which will replace an existing umbrella, will be visible, but is proposed to be the same color and quality of the other shade sails at the aquatic center which were approved under the original Conditional Use Permit (CUP 04-08).*

Therefore, the City Planner has determined that the application **qualifies** for a consistency determination with the approved permit and **approves** the changes to the project based on Planning Division Administrative Policy No. 35.

Please submit two (2) blueline copies (24" X 36") of all applicable exhibits for the project file of the amended site plan. The copies must be submitted, stamped "Consistency Determination," and signed by the City Planner prior to issuance of any grading or building permits for the project. The Consistency Determination Title Block stamp, and other Title Block stamps, can be downloaded from the City's website at <https://www.carlsbadca.gov/departments/community-development/permits-applications-forms/planning-applications-forms>. The Title Block (stamp) is located at the bottom of the page.

NOTICE

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.”

This decision may be appealed by you or any other member of the public to the Planning Commission within ten days of the date of this letter. Appeals must be submitted in writing to the Planning Division at 1635 Faraday Avenue in Carlsbad, along with a payment of \$900.00. The filing of such appeal within such time limit shall stay the effective date of the order of the City Planner until such time as a final decision on the appeal is reached. If you have any questions regarding this matter, please feel to contact Nicole Morrow at (442) 339-5438.

If you have any questions regarding this matter, please feel free to contact your project planner, Nicole Morrow at 442-339-5438.

CITY OF CARLSBAD



ERIC LARDY, AICP

City Planner

EL:NM:es

c: Nicole Morrow, Assistant Planner
Molly Amendt, Public Works
Linda Ontiveros, Project Engineer
Laserfiche/File Copy
Data Entry