

January 24, 2024

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**SUBJECT: CD 2023-0008 (DEV2021-0137) – CARLSBAD OAKS NORTH, LOT 3**

The City Planner has completed a review of your application for CD 2023-0008, which is a modification to **SDP 2021-0016–CARLSBAD OAKS NORTH, LOT 3** (APN: 209-120-02-00), approving the development of three (3), 33-foot-tall light industrial buildings totaling 67,714 square feet. The subject property is located on the west side of Whiptail Loop and is identified as Lot 3 of the Carlsbad Oaks North Business Park Specific Plan, SP 211(C), in the Planned Industrial (P-M) Zone.

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:

- Reduction in the size of the employee eating area from 5,000 square feet to 4,656 square feet, resulting in a 6.8 percent reduction in area. The minimum required employee eating area pursuant to SDP 2021-0016 is 4,062 square feet;
- Changing the attached building canopies from required to optional; and
- Increasing the mezzanine floor height and the overall building height for each building as follows:
  - Building A from 30'-6" to 33', resulting in an 8.2 percent increase in height;
  - Building B from 30'-6" to 33', resulting in an 8.2 percent increase in height; and
  - Building C from 31' to 33'-1", resulting in a 6.7 percent increase in height.

The maximum allowable height pursuant to the development standards of the Planned Industrial (P-M) Zone (Chapter 21.34 of the Carlsbad Municipal Code) and the Carlsbad Oaks North Business Park Specific Plan SP 211(C) is 35 feet.

*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 exterior modifications utilize the same architectural elements, and do not significantly change the project's design, quality, safety or function. Additionally, by allowing the building canopies to be an optional feature, there will be more flexibility and room to provide free-standing canopies over the outdoor employee eating areas that would have otherwise caused conflicts.*
- 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 proposed changes will maintain the project's design and will comply with all applicable development standards of the Planned Industrial (P-M) Zone (Chapter 21.34 of the Carlsbad Municipal Code) and the Carlsbad*

***Oaks North Business Park Specific Plan SP 211(C), including the 35-foot maximum building height and the 4,062-square-foot minimum for the employee eating area.***

- 3) *The proposed revision does not change the density or boundary of the subject property.*
- 4) *The proposed revision does not involve the addition of a new land use not shown on the original permit in that the proposed modifications are to land uses approved as part of SDP 2021-0016.*
- 5) *The proposed revision does not rearrange the major land uses within the development in that no additional buildings or uses are proposed beyond what was originally approved.*
- 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 modifications to the building heights (10% or less) and size of the employee eating areas (6.8% reduction) are not greater than ten percent of the original approval and comply with all development standards of the Planned Industrial (P-M) Zone (Chapter 21.34 of the Carlsbad Municipal Code) and the Carlsbad Oaks North Business Park Specific Plan SP 211(C).*
- 7) *The proposed change will not result in any significant environmental impact, and/or require additional mitigation in that the proposed improvements do not create any inconsistencies or new impacts relative to the environmental review process associated with the original project's approval.*
- 8) *The proposed change would not result in any health, safety or welfare impacts.*
- 9) *There were not any major issues or controversies associated with the original project which would be exacerbated with the proposed change.*
- 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 exterior changes are not greater than 10% of the original approval and maintain the project's overall architectural design.*

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.

## 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."

You have 90 days from the 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

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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.

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 free to contact your project planner, Megan McElfish at 442-339-5153.

**CITY OF CARLSBAD**



**ERIC LARDY, AICP**

City Planner

EL:MM:ES

c: David Rick, Project Engineer  
Laserfiche/File Copy  
Data Entry