

January 29, 2024

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SUBJECT: CD 2023-0016 (DEV2020-0263) – URBINO MINOR SUBDIVISION

The City Planner has completed a review of your application for a Consistency Determination, CD 2023-0016, (APN: 207-120-40-00) which is a modification to CDP 2022-0013/MS 2022-0001, a Coastal Development Permit and Minor Subdivision to subdivide one lot into two lots and associated pad grading at 3997 Park Drive. CDP 2022-0013/MS 2022-0001 was approved by the City Planner on April 3, 2023.

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:

- Raise the building pad height two feet for Parcel 2 and add retaining walls ranging in height from one to five feet adjacent to the side and rear property lines. No changes are proposed to Parcel 1. Most of the new retaining walls do not exceed three feet in height. The five-foot-tall retaining wall is proposed adjacent to Tamarack Avenue (street side) and allows for the preservation of an existing tree.

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 two-foot increase in the building pad height and the addition of retaining walls ranging in height from one to five feet for Parcel 2 accommodate an area for a future detached accessory dwelling unit (ADU) and allow for the retention of a large existing tree adjacent to Tamarack Avenue. In addition, the grade for the driveway for Parcel 2 has been adjusted to comply with Fire Department requirements.***
- 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 revisions to the building pad for Parcel 2 allow for a future detached ADU, retention of an existing tree adjacent to Tamarack Avenue and facilitate the construction of a driveway which complies with Fire Department requirements.***
- 3) *The proposed revision does not change the density or boundary of the subject property **in that no additional lots are proposed, the lots sizes remain unchanged, and the lot lines are not proposed to be adjusted.***
- 4) *The proposed revision does not involve the addition of a new land use not shown on the original permit.*

- 5) *The proposed revision does not rearrange the major land uses within the development **in that the residential building pads are in the same location.***
- 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 retaining walls do not exceed six feet in height in the side and rear yard setbacks.***
- 7) *The proposed change will not result in any significant environmental impact, and/or require additional mitigation.*
- 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 revisions to the building pad for Parcel 2 are minor in nature. With exception to the improvements around the existing tree adjacent to Tamarack Avenue, the improvements will be located to the rear and interior side property lines.***

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.

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. 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 Shannon Harker at (442) 339-2621.

CITY OF CARLSBAD



ERIC LARDY
City Planner

EL:SH:mh

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