

May 24, 2024

Nick Stupin, Park Planning Manager
City of Carlsbad, Parks & Recreation Department
3096 Harding Street
Carlsbad, CA 92008

SUBJECT: CD2024-0013 (PUB17Y-0024) – CYPRESS AVENUE BEACH ACCESS REPAIR

The City Planner has completed a review of your application for a Consistency Determination (APN: 203-140-28-02), which is a modification to Coastal Development Permit (CDP), [CDP16-23](#), approved by the Planning Commission on July 16, 2016. CDP16-23 was approved to allow improvements to seven public beach access points along Ocean Street. These improvements included adding beach access signage, upgrading stairways, and implementing other safety enhancements.

Since the 2016 improvements, significant erosion has occurred at the bottom section of the stairway at the Cypress Avenue beach access point (Cypress Beach Access Point), located between 2605 and 2603 Ocean Street. This erosion has undermined the support for the lower concrete stairs and landing, resulting in a separation from the middle landing and the aforementioned structure. As a result, the stairs have become unsafe and have been closed to the public since January 12, 2024.

This project involves removing and replacing the lower concrete stairs at the Cypress Beach Access Point.

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:

- Installation of a replacement stairway that features an eight-step wooden stair and a four-step concrete stair, with three steps under finish grade;
- Installation of galvanized handrails;
- Addition of a new support wall that will be added under the lower and adjacent middle concrete landing.

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 improvements will remove and replace an eroded portion of the Cypress Beach Access Point stairway. This will allow for the access point to reopen and provide safe access to the beach.***
- 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 improvements will include a new support wall that will be added under the existing upper***

concrete landing that will improve durability and limit future closure of the Cypress Beach Access Point.

- 3) *The proposed revision does not change the density or boundary of the subject property in that **the proposed project is not a change in density and is within the existing developed footprint of the previously approved CDP16-23.***
- 4) *The proposed revision does not involve the addition of a new land use not shown on the original permit in that **the project is a like for like replacement of the existing stairway and is consistent with the previously approved permit.***
- 5) *The proposed revision does not rearrange the major land uses within the development **the project is a like for like replacement of the existing stairway and is consistent with the previously approved permit.***
- 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 stairway is a like for like replacement of the existing stairway and will be within the same footprint. The proposed improvements would not conflict with any conditions of approval adopted as part of the approval process for CDP16-23, as stated in [Planning Commission Resolution No. 7189.](#)***
- 7) *The proposed change will not result in any significant environmental impact, and/or require additional mitigation in that **the proposed project would occur in an already disturbed area of the beach in alignment with CDP16-23.***
- 8) *The proposed change would not result in any health, safety or welfare impacts in that **the current state of the Cypress Beach Access Point has been closed off to the public due to concerns with health, safety, and welfare. This project would improve health, safety, and welfare by replacing the eroded stairway with a new durable design.***
- 9) *There were not any major issues or controversies associated with the original project, which would be exacerbated with the proposed change in that **the proposed project is in compliance with all conditions stipulated in CDP16-23.***
- 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 project will incorporate like for like replacements of the existing stairway and improve the overall aesthetic of the city's shoreline by allowing the closed Cypress Beach Access Point to reopen in a manner consistent with CDP16-23.***

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.

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NOTICE

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 Izzak Mireles at (442) 339-2693.

CITY OF CARLSBAD



ERIC LARDY, AICP

City Planner

EL:IM:mh

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